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Q12

Case study. You are appointed as an officer heading the section in Environment Pollution Control Board to ensure compliance and its follow-up. In that region, there were large number of small and medium industries which had been granted clearance. You learnt that these industries provide employment to many migrant worker. Most of the industrial units have got environmental clearance certificate in their possession. The environmental clearance seeks to curb industries and projects that supposedly hamper environment and living species in the region, But in practice. most of these units remain to be polluting units in several ways like air, water and soil pollution. As such, local people encountered persistent health problems. It was confirmed that majority of the industries were violating environmental compliance. You issued notice to all the industrial units to apply for fresh environmental clearance certificate from the competent authority. However, your action met with hostile response from a section of the industrial units, other vested interest persons and a section of the local politicians. The workers also became hostile to you as they felt that your action would lead to the closure of these industrial units, and the resultant unemployment will lead to insecurity uncertainty in their livelihood. Many owners of the industries approached you with the plea that you should not initiate harsh action as it would compel them their units, and cause huge financial loss, shortage of their products in the market. These would obviously add to the sufferings of the labourers and the consumers alike. The labour union also sent you representation requesting against the closure of the units. You simultaneously started receiving threats from unknown corners. You however received supports from some of your colleagues, who advised you to act freely to ensure environmental compliance. Local NGOs also came to your support and they demanded the closure of the polluting units immediately. (a) What are the options available to you under the given situation? (b) Critically examine the options listed by you. (c) What type of

mechanism would you suggest to ensure environmental compliance? (d) What are the ethical dilemmas you faced in exercising your option?

UPSC Civil Services Mains 2022 · GS IV · 20 marks · Ethics Case Studies

Case Studies on above issues.

Core demand of the question

- **Officer in the Environment Pollution Control Board:** SMEs have papers but pollute; migrants' jobs versus local health; notices for fresh clearance; threats; NGOs want immediate closure
- (a) Options
- (b) Examine each
- (c) Mechanism for environmental compliance
- (d) Dilemmas

Revision summary

SMEs hold environmental certificates yet pollute; migrants fear closure; NGOs want padlocks; you have threats.

Doing nothing, taking money, fleeing the file, or closing every unit without a sequence all fail.

The mechanism is statute-based sampling, red-orange-green grading, CETP, digital consent, court-ready orders and worker transition.

Dilemmas are health versus jobs, safety versus duty, and paper consent versus real discharge.

- **Sequence the harm:** stop the worst poison now, and move wages with a plan, not the effluent.

Introduction

The certificates are in the drawers; the air, water and soil are not. Migrant workers fear unemployment. Neighbours are already sick. Immediate illegal protection of polluters is forbidden. Immediate blind closure that dumps workers on the road without a sequence is not the only other door.

Body

Stakeholders

- Local residents whose health is already damaged.
- Migrant workers and their families who live on these wages.
- Owners of the small and medium units, and their customers.
- Labour unions, local politicians, NGOs, and colleagues who have taken sides.
- You as the section head in the Environment Pollution Control Board.
- Rivers, groundwater, soil and other species that have no union.

(a) Options

- **Option 1:** Withdraw the notices, accept the existing certificates, and do nothing.
- **Option 2:** Order immediate closure of every unit on the NGO timetable, without a sequenced inspection.
- **Option 3:** Take a private settlement from owners to "go slow".

- **Option 4:** Transfer the file and wait out the posting.
- **Option 5:** Risk-based, time-bound compliance: inspect, grade, shut the worst now, give a short public timeline to the rest with bank-supported abatement, protect workers during transition, and refuse bribes and threats.

(b) Examination

- **Option 1 merit:** workers stay employed this month; threats may stop.
- **Option 1 demerit:** you legalise ongoing poisoning. Rejected.
- **Option 2 merit:** NGOs and the sick get a visible win.
- **Option 2 demerit:** a blanket padlock without evidence-grade inspection will be struck down, will create a black market of night discharge, and will dump migrants without wages or travel.
- **Option 3 merit:** none that can be named.
- **Option 3 demerit:** **Prevention of Corruption Act, 1988**; you join the vested interest you were posted to check.
- **Option 4 merit:** personal quiet.
- **Option 4 demerit:** the stack still runs; the posting was the duty.
- **Option 5 merit:** health first where harm is proven, jobs where a unit can actually comply, a file that a court can respect.
- **Option 5 demerit:** both extremes will abuse you; threats may continue - seek official security, do not bargain with them.

(c) Mechanism for environmental compliance

- **Legal base:** the **Environment (Protection) Act, 1986**, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the consent conditions already on each unit.
- **Mapping:** a public list of units, consents, stack and effluent data, and a health overlay from the district hospital - so the fight is about numbers, not rumours.
- **Risk class:** red units with toxic discharge or no working treatment shut or sealed until they comply; orange units on a 30-90 day clock with bankable common effluent treatment or in-house plants; green units on routine audit.
- **Independent sampling:** accredited labs, split samples, and surprise night checks so a daytime "show plant" does not pass.
- **Common infrastructure:** **CETP**, shared boilers, and a refuse park that small units can actually afford, funded by the cluster and public schemes, not by a bribe.
- **Worker transition:** notice, unpaid-wage enforcement, skilling, and a travel-and-ration camp if a red unit must close, so migrants are not the unpaid price of clean air.
- **Digital consent and auto-expiry:** a paper certificate that never meets a sample is not compliance.
- **Transparency:** weekly bulletin of actions; NGOs get data, not a veto of the sampling protocol.
- **Threat protocol:** written complaint to police, request for security, and no private meeting with unknown "well-wishers".
- **Court-ready orders:** speaking reasons, proportionality, and a review date, so a politician's stay is answered with a file, not a shrug.

(d) Ethical dilemmas

- Right to health of residents versus right to livelihood of migrant workers.
- Strict enforcement versus the fear that capital will flee to a dirtier district.

- NGO demand for overnight closure versus owners' plea of financial death.
- Personal safety after threats versus the oath of the Board.
- Colleagues who say "act freely" versus a political class that wants delay.
- Certificates that are formally valid versus the empirical fact of pollution.
- The dilemma is real. It is not resolved by choosing jobs and forgetting lungs, nor by choosing a padlock and forgetting the worker at the gate. It is resolved by sequencing harm: stop the worst poison now, and move the wage, not the effluent, with a plan.

Flow diagram

Polluting SMEs with papers -> Sample and risk class

Sample and risk class -> Seal worst now

Sample and risk class -> Time-bound abatement

Time-bound abatement -> Common treatment

Seal worst now -> Worker transition

Withdraw notices -> Health failure

Go slow for money -> Corruption

Conclusion

Existing clearances that hide pollution are not ethics. Neither is a bribe nor a theatre of total closure without a worker plan. Grade the harm, seal the worst, time-limit the rest, build common treatment, and keep migrants on a lawful transition. Health and livelihood are both duties; the effluent is not.

Facts & figures

Environment (Protection) Act, 1986

The umbrella Union statute for environmental protection, standards and closure directions when a unit endangers the environment.

Water Act, 1974 and Air Act, 1981

The principal water and air pollution statutes under which State boards grant and enforce consent to operate.

Common effluent treatment plant (CETP)

Shared treatment for a cluster of SMEs that cannot each afford a full plant; a compliance tool, not a licence to dilute illegally.

Prevention of Corruption Act, 1988

The criminal frame if an owner pays to stall a notice or if an officer sells a go-slow.

Environmental clearance versus consent to operate

A past clearance paper does not legalise current illegal discharge; fresh consent must match present samples, not a file from years ago.

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