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Q12

Case study. Ashok is Divisional Commissioner of one of the border districts of the North East State. A few years back, Military has taken over the neighbouring country after overthrowing the elected civil government. Civil war situation is prevailing in the country especially in last two years. However, internal situation further deteriorated due to rebel groups taking over control of certain populated areas near own border. Due to intense fight between military and rebel groups, civilian casualties has increased manifold in recent past. In the meantime, in one night Ashok got information from the local police guarding the border check post that there are about 200-250 people mainly women and children trying to cross over to our side of the border. There are also about 10 soldiers with their weapons in military uniform part of this group who wants to cross over. Women and Children are also crying and begging for help. A few of them are injured and bleeding profusely need immediate medical care. Ashok tried to contact Home Secretary of the State but failed to do so due to poor connectivity mainly due to inclement weather. (a) What are the options available with Ashok to cope with the situation?(b) What are the ethical and legal dilemmas being faced by Ashok?(c) Which of the options, do you think would be more appropriate for Ashok to adopt and why?(d) In the present situation, what are the extra precautionary measures to be taken by the Border Guarding Police in dealing with soldiers in uniform?

UPSC Civil Services Mains 2025 · GS IV · 20 marks · Ethics Case Studies

Case Studies on above issues.

Core demand of the question

- **Ashok:** refugees vs armed soldiers at a NE border night
- Options; legal-ethical dilemmas; choose humanitarian civilians plus disarm-isolate soldiers; extra police precautions

Revision summary

Options range from pushing everyone back to opening the gate to armed men; both extremes fail.

The dilemma is **non-refoulement** and medical duty versus sovereignty and the risk of a ruse.

The better path is triage and shelter for civilians, especially women and children, and separate internment of disarmed soldiers pending the Centre.

Border police should keep distance, seal weapons, separate camps, and avoid humiliation or leaks.

Waiting for a dead phone while a child bleeds is not caution; it is omission.

Introduction

Ashok is **Divisional Commissioner** on a **North-East border**. A **civil war** next door has pushed **two hundred women and children**, some **bleeding**, and **ten armed soldiers** toward the check-post. The **Home Secretary's phone does not work**. Night, rain, and **international law** arrive together. This is **humanity, sovereignty, and force protection** in one queue.

Body

(a) Options

Ashok can **push everyone back** at gunpoint. He can **open the gate to all**, including **armed men**. He can **admit civilians, disarm and intern** the soldiers pending **MHA and MEA**. He can **give medical aid on the zero line** without a formal crossing. He can **wait for Delhi** while a child bleeds. He can **split**: women and children to a camp, soldiers to a **separate guarded enclosure**.

(b) Ethical and legal dilemmas

Non-refoulement (customary against return to torture or indiscriminate harm) versus **Foreigners Act** and a **closed border**. **IHL**: civilians versus **combatants**. **National security**: a uniform can be a **ruse**. **Duty of care** to the bleeding. **Sovereignty** of India and of the neighbour. **Chain of command**: acting without the Home Secretary versus **omission** as a death. **Equality**: a soldier is still a **human being** if disarmed; he is not a **tourist**. **Local politics** of the Northeast (load on a small district, ethnic rumours).

(c) Most appropriate

- **The most appropriate bundle is: immediate medical triage on Indian soil or at the post for the injured regardless of papers** (**Article 21** is not only for voters); **admit women, children and unarmed civilians to a temporary camp** with **registration, screening, and FRRO/MHA** in the morning; **do not let armed soldiers walk in as a unit; require weapons down, separate them, treat as detained foreign military personnel** until **Army/BSF/ITBP and MEA** instruct (possible **internment**, not a press hug); **record every step** for the Home Secretary when the weather eases. Pushing a bleeding child back is **inhuman**. Opening a night gate to **loaded rifles** is **reckless**. This is **prudence plus compassion**, Grotius and the Geneva distinction in a district raincoat.

(d) Extra precautions for border police with soldiers in uniform

Assume ruse until proven. **Cover and distance**. **Night illumination and body cameras** if they exist. **No crowding** of the post. **Women police** for women refugees. **Language** and **search by same gender**. **Separate lock-up from civilian camp**. **Count weapons into a sealed pit**. **No selfies, no leaked video** that becomes a diplomatic mine. **Medical before interrogation**. **Inform BSF/Army** at once. **Watch the rear** for a follow-on group. **Do not strip a prisoner as humiliation**. **Do not hand them to a local mob**.

Ashok's honour is the **child who lives** and the **post that does not fall**.

Flow diagram

Group at fence -> Civilians aid and camp

Group at fence -> Soldiers disarm separate

Soldiers disarm separate -> MHA MEA Army

Civilians aid and camp -> Article 21 triage

Conclusion

Help the injured and the civilian women and children; disarm and isolate the soldiers; write to Delhi as soon as the phone lives. A closed heart and an open armoury are both failures on that night.

Facts & figures

Non-refoulement

The principle of not returning a person to a place of grave harm; India is not a full Refugee Convention party but courts and practice still weigh humanity and **Article 21**.

Combatant vs civilian

Armed soldiers are not treated as ordinary asylum-seekers; they may be disarmed and interned under the law of armed conflict and national security rules.

Article 21

The right to life has been read to support emergency medical care; a bleeding person at a post is not a file for the morning.

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