

## UPSCprep Free Daily Answer Writing Initiative

**Subject:** GS 4

**Syllabus:** Case Study

### Questions

Q1. In recent times, the country witnessed protests based on opposition to some steps taken by the government. Whereas, mostly these were peaceful protests, at a few places these activities turned violent leading to destruction of public property. In some places the government arrested a few of the protesters and imposed heavy fines on them for the destruction of the property. In case they could not pay, their private property was confiscated by the government to pay for the damage done to the public property. In addition to this, some governments published the photographs, names and addresses of those accused of vandalism during protests at various locations.

- a) What are the issues of public importance at stake in this case?
- b) Are there any ethical or legal principles at play here which may be conflicting?
- c) What should be the principles guiding a democratic state in such circumstances?

(250 words)

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Q2. As the head of the Special Purpose Vehicle (SPV), you are tasked to complete the construction of a power plant. The project needs to be completed expeditiously to fulfil the promise made by the government to ensure access to power for all. The selected site is in a remote area and is ideal for plant construction. However, the project would require relocation of the people living in the vicinity. Initially, the local community objected to disruption in their lives but were convinced later about the economic benefits that would accrue to the region through this plant. The project had started gathering pace, but recently a local NGO working for environment protection got involved with the local community regarding the issue. And now the local community has started protesting against any developmental activity in the region. As the officer-in-charge for the speedy execution of the project, answer the following

- a) What are the issues involved in this case?
- b) What course of action will you take and why?

(250 words)

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## Model Structures

**Q1. In recent times, the country witnessed protests based on opposition to some steps taken by the government. Whereas, mostly these were peaceful protests, at a few places these activities turned violent leading to destruction of public property. In some places the government arrested a few of the protesters and imposed heavy fines on them for the destruction of the property. In case they could not pay, their private property was confiscated by the government to pay for the damage done to the public property. In addition to this, some governments published the photographs, names and addresses of those accused of vandalism during protests at various locations.**

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- c) What should be the principles guiding a democratic state in such circumstances?

(20 marks)

### Introduction:

- The case refers to the various protests organized across the country in the recent past. It establishes well that public property has been damaged. Even peaceful protests caused inconvenience to the general public. In some cases, the personal details of miscreants were publicly displayed at various locations.
- Various reports have estimated the loss to public property during various protests across the country. **Assocham estimated damage to public and private property worth Rs 2,000 crores during the Jat stir in Haryana in 2016.** The Patidar agitation in Gujarat in 2015 took its toll as vandals torched 660 government vehicles and 1,822 public buildings.

### Main Body:

- **The present case raises several issues of public importance.**
  - **Ascertaining responsibility for the public property losses:** The property damage imposes a significant burden on the state finances.
    - It also impedes the use of infrastructure by the general public.
    - A lot of private property is also damaged in violent protests thereby destroying livelihoods and imposing costs on various sections of the society.
  - **Balancing the right of peaceful protest with continuing normal life for other people:** Problem faced by local commuters and businesses.
  - **Managing protests by the police and administrator:** Controlling the violence and also effective crowd management techniques.
    - Fine balance between curbing dissent and allowing peaceful protest.
  - **Following Due process of law:** The process for assessing claims and imposing fines for the damages done needs to be just.
  - **Preventing disproportionate measures against citizens:** The public naming and shaming of alleged perpetrators is having impact not only on the life of people involved but serves as an important message for the general public.
- **The various ethical/legal issues involved in the case are**
  - The imposition of fines and confiscation of property can only be done (normally after a criminal trial) after the individuals are proven guilty.
    - The presupposition of guilt by the administration and acting as tribunals is problematic as it violates the principle of rule of law.
  - Since the administration assumes the final decision-making authority it would **lead to criminalizing the right to protest.**
    - It results in pre-judging people by the police themselves without even the benefit of a fair trial.
    - This has a chilling effect on the right to protest and free speech.
  - Since the **administration itself is the final judge in the case**, there is a high probability that it may absolve any of the police personnel involved in violence proceedings.
    - The management of the protests by the Police would not be questioned.

- **Ascertaining the identity of the ones responsible** for damage to the public property.
  - The authenticity of the video footage needs to be ascertained to make sure it is not doctored or tampered with.
  - Initiating punitive actions against the accused can lead to permanent damages to reputation and financial losses.
- The **public naming and shaming of the accused perpetrators** go directly against the individual's right to privacy.
  - It not only puts their life, property and freedom in jeopardy but also permanent damage to their reputation.
- The **display of personal information also raised an ethical question.**
  - The government agencies are supposed to treat all members of the public with respect and courtesy.
  - At all times should behave in a manner that upholds constitutional and democratic values.
  - This particular case reflects the colourable exercise of powers by the executive.
- **The various principles guiding the state in such cases should be**
  - **Providing space for dissent:** Allowing the **right to peaceful protest.**
    - Designating a few places in the city/state as to not cause inconvenience due to the general public.
  - **Following due process of the law:** The Supreme Court in various cases has highlighted the guidelines for ascertaining claims.
  - **Objective procedure:** Rational procedures should be established and followed to eliminate any bias against any section of the society participating in protests.
  - **Empathy and Compassion:** Sensitivity training of the police and administration to maintain trust with the people.

## Conclusion:

- This also places an onus on the citizens to not cause violence and exercise their fundamental right to protest peacefully. Article 19 should be balanced with Article 51A

that makes it a fundamental duty of every citizen "to safeguard public property and to abjure violence".

- The Supreme Court in the Shaheen Bagh case stated that Right to protest cannot be anytime and everywhere.

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**Q2. As the head of the Special Purpose Vehicle (SPV), you are tasked to complete the construction of a power plant. The project needs to be completed expeditiously to fulfil the promise made by the government to ensure access to power for all. The selected site is in a remote area and is ideal for plant construction. However, the project would require relocation of the people living in the vicinity. Initially, the local community objected to disruption in their lives but were convinced later about the economic benefits that would accrue to the region through this plant. The project had started gathering pace, but recently a local NGO working for environment protection got involved with the local community regarding the issue. And now the local community has started protesting against any developmental activity in the region. As the officer-in-charge for the speedy execution of the project, answer the following**

- a) What are the issues involved in this case?
- b) What course of action will you take and why?

**(20 marks)**

### **Introduction**

- As the head of the SPV, my duty is to ensure timely execution of the project with due regard to environmental sustainability and rights of the community in the process.
- The aim is to ensure inclusive development, which minimizes the damage to the environment.
- The stakeholders involved in the case include the government; local community; local NGO; Special Purpose Vehicle (SPV) and the society at large.

### **Model Structure**

- Various issues involved in the case are:
  - Developmental needs vs rights of the underprivileged:
    - There is a need to deliver on the government promise of access to electricity for all.
    - The manner should be such that it is fair and just to the local community.
  - Maintaining social harmony and law and order:
    - Relocation of the community could impact the lifestyle and social harmony of the community.
    - Not all members of the community would come on-board with the idea of relocating to a new location.
    - It is important to peacefully resolve their concerns.
  - Nature of the protest:
    - It is important to understand whether it was a protest manufactured with the intention to create a bottleneck in the execution of the project or organically evolved out of genuine concerns with the project.
- Course of action
  - It will aim at ensuring the sustainability of the project and balancing it with rights and needs of the community and environment.
  - Take the help of the local police so that the protests do not turn violent at any stage.
  - Engage with peaceful protesters and ask them to file their objections.
    - Hold a meeting with the representatives of the community and the local NGO, providing them the platform to voice their grievances.
    - This is to ensure that there is a clear channel of communication between the various stakeholders involved.
  - Set up an independent committee involving representatives from the community, local NGO, environmentalists, SPV to consider the issues raised and recommend possible changes in project design in a time-bound manner.
    - The project can also set aside a fraction of revenues from the project to offset the environmental damage and fund efforts for its restoration, if the concerns raised are genuine.

- A comprehensive plan for relocation and rehabilitation of the community should be put into action in the meantime the committee re-considers the issues.
- The plan should address the following aspects:
  - Livelihood concerns.
  - Peaceful relocation while maintaining law and order and least inconvenience to the members of the community.
  - Adequate compensation.
  - Relocation at one place for all members, if possible, to ensure that lifestyle and social dynamics are restored at the earliest.
  - Ensure strict action against the members who create trouble and try to impede the process of conflict resolution.
- Reasons for this course of action:
  - It is a consensus driven process, which ensures that all the initiative is a win-win for all the stakeholders involved.
  - It ensures the greatest good to the greatest number (Utilitarian) and the sacrifices of the community and environment are minimized.
    - It attempts relocation to a single location and respects the social harmony, lifestyle and communal spirit of the group.
  - It promotes the interests of all stakeholders and acts through social capital, without compromising the goodwill and acceptance of the community.
  - Civil Society can demand realization of fundamental rights for the community from the government.
    - It treats civil society organizations as part of the collaborative process of the developmental agenda.

## Conclusion

- Institutionalizing participation of various stakeholders from the initial stages of the project is key to ensure its sustainability.
  - This is crucial for building trust between the government and civil society.
- While developmental needs and promises should be delivered, the costs and sacrifices of the local community should be carefully considered and justly rewarded.

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