



Mains Practice Question

Q. You are a traffic constable and while on duty you see 3 people riding a motorcycle without a helmet and jumping the red signal. On stopping them, you came to know that one of them met with an accident due to potholes and is severely bleeding and due to non-arrival of ambulance they are taking him to the hospital. On further enquiry, you came to know that the driver does not have a driving license and works as day wager. While on his way to work, he found the man lying injured on the road and in a rush to take him to hospital, he left his helmet on the site of an accident. The driver expresses his financial inability to pay increased fines. Recently, due to the enforcement of new Motor Vehicles Act, you are under severe pressure from your seniors for strict enforcement.

1. What are the ethical issues involved and the options available to you in such a situation.
2. Also suggest a course of action you would like to follow. (250 words)

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The given case study requires us to ethically judge the action of a poor person, who violated the law by riding motorcycle without helmet and jumped the traffic signal to save the life of an injured person. The traffic constable faces a dilemma of whether to take a strict action on the motorcycle driver and fine him or not.

Ethical issues involved are:

- **Voluntary action or not:** Since the person wanted to save the life of the accident victim, and was in a compulsion to take him to the hospital as early as possible, his action might be circumstantial. He might not be a regular offender.
- **Incorrect means for good ends:** It is to be judged whether the 'means' adopted by violating the law are justified for correct 'end' which is to save the life of an injured person.
 - This aspect can be seen in terms of **Legality v/s morality of action:** It is to be judged whether his intention to ensure social justice is prior to implementation of law. Saving the life of an innocent person is above the law. Also, the intent of Motor Vehicle Act is to save lives.
- **Priority to duty or the life of injured:** Since the duty of traffic constable is to ensure traffic rules, and follow a superior's orders, he needs to have emotional intelligence to judge whether his duty is supreme or life of an injured.
- **Proportionality of fine:** It needs to be judged whether collecting hefty fine from the poor is viable or not. The law itself seems to be harsh for the poor.

Following **options** are available for the traffic constable:

- **Making him liable to pay the fine:** This would ensure strict enforcement of law and allowing him to adhere to his duty as a constable. It would even deter others from violating the law.
 - However, making him liable to pay the fine will be against the morale of good Samaritans

like him, facing a similar situation in the future.

- **Allowing them to leave without any action against them:** It would ensure that the accident victim reaches the hospital on time. Collection of fine is secondary to saving life of the injured.
 - However, there are chances that they may injure someone else on the road due to their improper driving.
 - This may encourage him not to apply for a license in the future as well.
- Making some **quick alternate arrangements** for taking the victim to the hospital: Alternative arrangements like ambulance or Dial 100 police car with suitable facility should be looked for. The person riding the motorcycle can then be counseled for violating the law.

Thus, option (3) seems to be the correct way to deal with the situation. The constable should take **rational decision**.

Following is the course of action the constable should follow:

- **Knowing and understanding the facts:** Chances are that they may be lying to avoid paying the hefty fine or the accident may be caused by them only. Thus, quick analysis of facts **and severity of injury of the victim** needs to be analyzed.
- Priority should be to make the **accident victim reach hospital on time**. If the hospital is very near, they may be allowed to leave only as an **exceptional instance**. But if hospital is far away, alternative arrangement like ambulance or Dial100 police car should be made. This would ensure safety to the victim and others as well.
- **Strict warning** should be given to him not to violate the law. His **socio-economic condition** and the **cause for selfless service** should be taken into consideration before taking any action against him. Thus, he may be allowed to leave after giving strict warning since even though law has not been followed but **public cause** has been followed. Service of the people is supreme.

Here it is to be noted that, since he owns the motorcycle and had left the helmet at the accident spot, means he travels by his motorcycle on a daily basis without having any license. He must be counseled to ensure that he applies for a license as soon as possible. He must realize that even his actions could be detrimental to not only his life but others also. **Lawlessness should not become a norm**.

Also, mere collection of fine is not the purpose of the law, rather the intent is to make people cautious about the safety and security of life of themselves and others.

Another important aspect is the failure of governance by **non-availability of ambulance** which compels people to adopt such unsafe means for taking the victims to the hospital. State should ensure timely availability of medical help to victims to ensure **social justice**.