

5. Civil service values and Ethics in Public administration

Ethical dilemma

1. An ethical dilemma is a situation in which there is a **choice to be made** between **two morally valid options**. In such cases, societal and personal ethical guidelines can provide no satisfactory outcome for the chooser.
2. **Ethical dilemmas arises in following situations**
 1. When one's **professional directives** are in **contrast with** his own **personal values**. For instance, if a physician, who is absolutely against the idea of **abortion**, comes across a patient for whom **pregnancy can avoid death**, an ethical dilemma for the medical practitioner is inevitable.
 2. Ethical dilemmas can arise, when **two equally striking options** are justified as right in certain situations. **Whistle blowers** face this problem because their disclosure is against **secrecy norms of the institutions**.
 3. Ethical dilemma may arise due to **unavoidable alternatives** also. For example, if an employee is asked to **manipulate reports** for the benefit of the company then he has two options either follow the way shown by the company officials and go ahead with the manipulation or act as a whistleblower to bring the malpractice to common notice. The choice again would depend upon the financial well doing of an employee.
 4. **Ethical standards are not codified**, so there are always chances that **dilemma arises** and disagreements always occur about proper behaviour.
3. **How to solve such dilemmas**
 1. **Personal preferences out:** It is fundamental ethical duty bearing on civil servants to show a spirit of **impartiality** and **discretion** and **keep their own personal preferences out** in the performance of their duties and responsibilities.
 2. **Gandhi's talisman:** Remembering the **weakest and poorest person** and choosing the option that would help him/her better.
 3. **The rule of law:** **Law establishes minimum standards of morality**. Unethical conduct means violation of law. Thus far enforcement of **law should be priority** in case of dilemma.
 4. **More emphasis to constitutional morality than societal norms:**

Women's **temple entry**, **Inter-caste marriages**, etc.

5. **Code of ethics and codes of conduct:** They **provide a hierarchy of values**. They can act as a guide during ethical dilemma.
 6. **Inclusive growth:** When ever there is a conflict in developmental objectives, choose which leads to better distribution of income, reducing inequalities, etc.
4. **Personal example**
1. When I was in college, **I used to stay in hostel**. According to hostel rules, **no one is allowed to leave the hostel** after 11 pm. Being enrolled in blood donors association, **I got a call at 12 PM to donate blood** to a pregnant woman undergoing caesarean. **I knew my blood group is O-** which is a rare one.
 2. Care taker did not give the permission because instructions were strict. So, I jumped the gate and the boundary wall, **reached hospital and donated blood**. It just seemed right to me.

Conscience

1. **Conscience is the voice of the inner-self** which says yes or no when we are involved in a **moral struggle**. It is an internal monitor. It **doesn't reveal the reasoning** behind arriving at the decision, but the decision itself. **Actions done against conscience** leads to **remorse** and **frustration**. As Gandhiji famously said that there is a higher court than courts of justice and that is the court of conscience. It supersedes all other courts.
2. An **individual** with insensitivity to conscience will take decision promoting **self-interest**. He will be insensitive to the demands of his organisation and use all the means to **perpetuate his own interest**. A virtuous man alone can use the instrument of conscience. He alone can hear the **inner voice** of the soul clearly. In a wicked man this faculty is dead.
3. **Rules** and regulations **can't cover all the scenarios** in governance. Hence conscience also plays a guiding role in ethical behaviour where laws are absent. This **holds true** particularly for higher civil services where **scope of discretion is more**. **Guilt, shame, conscience, pride in profession** can be every bit as important as laws in motivating ethical behaviour.
4. In modern society, people have become **inconsiderateness** to their conscience and lost ability to distinguish **between right and wrong**. This has led to a regime of **corruption, disorder, conflict, nepotism, favouritism** etc.,

ultimately leading to societal decay. For example, **repeated violence on women** in India, the recent cases of 2G scam, coal scam etc.

5. **Conscience is different from law**. Law states a general rule concerning actions whereas **conscience lays down a practical rule** for a particular action. Conscience applies the law or rule to specific actions, therefore it is wider than law.

6. **Classification of conscience**

1. A true conscience means judgment is in accordance with fact.
2. A conscience is erroneous when the judgment is false.
3. A conscience is certain when the judgment on the morality of action is without prudent fear of error.
4. A doubtful conscience comes when the judgment almost excludes all prudent fear of error.

Effectiveness vs accountability

1. **Effectiveness** is the ability to **produce result** that is **desired**.

Accountability is **legal responsibility** for one's actions. For any organization or structure to deliver its mandate **both effectiveness and accountability** are crucial.

2. There should be mechanisms to ensure both the **ends and means of target are met**. Giving primacy to effectiveness or accountability and neglecting other can lead to disaster or in other way doesn't make any sense.

Effectiveness will come along with **accountability**, because responsibility is to **deliver in limited time** and resources. Accountability is indispensable if we are aiming at effectiveness.

3. **Compromising accountability** over effectiveness can also provide a high way for corrupt politician and bureaucrats to mis-utilise the provision for corrupt ends. So nothing can be taken as granted.

4. India is plagued with the problem of **ineffective accountability**, Indian government **doesn't work with the structure of fixing the target**, working for it, analyze the result on ground, look for improvements and holes, and including them in the expansion.

5. **CAG, ED were constituted for accountability** now recently acts like RTI, NJAC are brought to increase accountability. They are giving some results, but India has to travel a long road to **overhaul** the system to **bring accountability in every level** of governance. Short term governments, political influence, frequent transfers are rubbing salt to the wound.

Ethics in international relations

1. In the international politics it has been often said that the **world hears the argument of power and not the power of argument**. Thus the statement itself overshadow the role of morality in the international relations. Here it should be noted that the international relations are **largely determined** by the personal interest.
2. The **bilateral relationship** involved between two nations are **more concerned** with the **fulfilment of own obligations**, and nations often do not consider morality as an important trait in their engagement. The **pages of history reveal** many such incidents where the situations are **not morally or ethically right** but the nation's **support the mighty countries**, to adore their personal obligations just like the **Gulf wars** and US invasion of Iraq.
3. For example, **acquisition of Nuclear bomb** by few powerful nations while **denying it to others** is another example of domination. **Interference** in the internal matter of small country for instance **Vietnam, Yugoslavia, Iraq**, etc., is another way of power centric international relations. And the **legitimacy of power play** is supported by some belief system and therefore considered right. For example, belief that powerful nations are more responsible and therefore can keep nuclear bombs.
4. **The root of the dominance of power** as against morality lies in the concept of nation state. A national leader is accountable to the citizens of the country and therefore **pursue national interest using its power** at the expense of global morality. For example, if Bush would not have **attacked Afghanistan for 9/11**, he might have lost credential among American citizens.
5. He punished whole Afghanistan for the **act of single terrorist group**. At the same time, popular opinion against Vietnam war, forced America to withdraw from war. Similarly there is no regard for consideration of **climate change**, an ethical issue, in many nations, but climate change is major **popular issue** in Australia and therefore major issue for Australian government.
6. However actions of mighty countries are **not always considered right**. The mass opposition by the people to the **USA's Iraq invasion within** and outside the **US testifies** this. Also many countries like France, Germany, Russia opposed USA publicly and in the UN.

Corporate governance

1. Corporate governance are a **set of guidelines to company** which enables it to fulfil its goals and objectives in a manner that **adds to the value of the company** and is **beneficial for all stakeholders** in the long term. Stakeholders in this case would include everyone **ranging from the board of directors**, management, shareholders to customers, employees and **society**. The management of the company hence assumes the role of a trustee for all the others.

2. Principles of corporate governance

1. Conducting the business with **all integrity and fairness**.
2. Being **transparent** with regard to all **transactions** and making all the necessary disclosures and decisions.
3. **Complying with all the laws** of the land.
4. Showing **accountability** and **responsibility** towards the stakeholders and commitment to conducting business in an ethical manner.
5. Company should also be **able to distinguish between** what are **personal and corporate funds** while managing a company.

3. Importance

1. Fundamentally, there is a **high level of confidence** that is associated with a company that is known to have good **corporate governance**.
2. **Private sector's role is increasing** in various sectors like **financial services, healthcare, education**, etc. Government is rolling back so citizens are increasingly dependant on them.
3. Citizens are **integrated** with corporate sectors as **shareholders, employees**, etc. Stock markets are manipulated by insider trading.
4. **To check crony capitalism** that resulted in scams in **2G spectrum, coal block allocation**. Companies adopt illegal process of lobbying for putting favourable people at influential positions.
5. **Small investors** are duped by big **investment companies** and chit fund entities.
6. It is also known to have a **positive influence** on the **share price** of the company.
7. Having a **clean image** on the corporate governance front could also make **it easier for companies** to source capital at more reasonable costs. FIIs are looking more into such principles while

investing into companies.

8. Unfortunately, **corporate governance** often becomes the centre of discussion only after the **exposure of a large scam**.

4. **Recommendations of Narayan Murthy committee**

1. **Making auditing a regular task** and strengthening the auditing committee by providing them **autonomy**. Independence of audit committee was emphasised by limiting the tenure and **only appointing non-executive directors**, to maintain the independence of directors.
2. **Approval of stock holders** for payment and compensation paid to **non-executive** directors.
3. To **bring in code of conduct** and rules to be followed by the employees of the company.
4. Requiring corporate executive boards to **make stakeholders and share holders aware** of any **risks** company may face in future in every **annual reports**.
5. Improving the **quality of financial disclosures**, including those related to related party transactions and **proceeds from initial public offerings**.
6. Companies must have **whistle blower protection norms** which provide anonymity, etc to whistle blowers. **Employees should have the access** to the audit committee to report any **unethical practices** (not necessarily illegal acts) without informing the supervisor.

Nolan committee

1. **Selflessness:** Holders of public office should take decisions solely in terms of the **public interest**. They should **not do so in order to gain financial** or other material benefits for themselves, their family, or their friends.
2. **Integrity:** Holders of public office **should not place themselves** under any **financial or other obligation** to outside individuals or organisations that might influence them in the performance of their official duties.
3. **Objectivity:** In carrying out the **public business**, including making **public appointments**, awarding **contracts**, or **recommending individuals**

for rewards and benefits, holders of public office should make choices on merit.

4. **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership:** Holders of public office should promote and support these principles by leadership and example.

Negative image of civil servants

1. Reasons

1. The main external cause of the negative image of the public service is a result of the biased posture of the media. The media often emphasise a distorted image of the public sector. These negative aspects include corporativism, corruption and nepotism.

2. Deterioration of public services is another reason. Citizens are looking for better quality services while civil servants are not prepared to meet this growing demand for efficiency and quality.

3. Bureaucratization has brought a paralysis to the administration, impunity to civil servants, and a generalised feeling of impotence on the part of society.

4. Among the internal causes are the loss of prestige of the public service, administrative discontinuity and a lack of adequate human resources policies. These policies should emphasise professionalism, the merit system, and working conditions compatible with the public service.

2. Recommendations

1. The introduction of basic notions of ethics and citizenship in the academic curriculum at all levels of education. An investment in education at all levels, with an emphasis in matters dealing with moral and ethical values.

2. The development of training programmes, with an emphasis on

professionalism and ethical conduct.

3. The promotion of seminars, **meetings** and **roundtables** to discuss different aspects of ethical conduct in the public service, including not only the executive but the legislative and the judicial branches as well.

4. The **simplification and modernisation of the legal framework** dealing with ethics in the public service.

5. The **enactment of pragmatic rules of conduct**, in a participatory manner, aiming at their application to all hierarchical levels.

6. The **creation of decentralised institutional mechanism** of complaint and control, such as the ombudsmen. The implementation of the principles of **managerial administration**, with an emphasis on **human resources** policies based on productivity, **merit**, professional qualification, and adequate remuneration.

Ethical Leadership

1. Ethical leadership is both visible and invisible. The **visible part** is in the way the leader works with and **treats others**, in his **behaviour in public**, in his statements and his actions. The **invisible aspects** of ethical leadership lie in the leader's character, in his **decision making** process, in the set of values and principles on which he draws, and in his **courage to make ethical decisions** in tough situations.

2. Ethical leaders are ethical all the time, not just when someone's looking and they're ethical over time, proving again and again that **ethics are an integral part** of the intellectual and philosophical framework they use to understand and relate to the world.

3. How to be a ethical leader

1. **Accepting responsibility** and being accountable during **crisis times**. At the same time, an ethical leader must give **credit to team during success**.

2. An ethical leader must have **courage to take right decisions** that benefit organisation even at the cost of various challenges he may face.

3. The **willingness to encourage opinions different** from your own, challenges to your ideas and proposed actions.

4. A leader must understand the power of leadership and must **exercise** it only **when it will benefit** the individuals or organisation you work with, the community, or the society.

5. The ability to put aside your **ego** and personal interests for the **sake of the organisation** you lead, the needs of the people you serve, and the

greater good of the community or the world.

6. The **encouragement of leadership in others**. Making the consideration and discussion of ethics and ethical questions part of the culture of the organisation.

4. Why practice ethical leadership

1. **Leaders are role models**. Everyone in the organisation follow in the foot steps of the leader.

2. Ethical leadership **builds trust**, so it **brings credibility** and respect both for you and the organisation. Once such as respect comes, it can lead to collaboration. **Other organisations** will be **more willing to collaborate** with you if they know that you'll always deal with them ethically.

3. Ethical leadership **creates a good climate within the organisation**. It makes employees **likely to feel more secure**, to work well together, and to be dedicated to the organization and its work.

4. **Ethical leadership affords self respect**. Because you know that you consistently consider the ethics of your decisions, actions, and interactions, you can sleep at night and face yourself in the morning without questioning your own integrity.

5. **Ethical leadership is simply the right way to go**. Everyone has an obligation to themselves, to their organization, to the community, and to society to develop a coherent ethical system that seeks to make the world a better place. Leaders, for the reasons already stated, and because of the responsibilities of leadership, have a particular obligation in this respect.

5. What have you done to inculcate leadership

1. **Patiently listening** to everything which comes in your way.
2. **Emotional intelligence** through yoga. **Credibility** by keeping promises and saying in face rather than at the back.