



ETHICS

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ETHICS AND HUMAN INTERFACE

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1. Introduction

The protagonist in the epic film, Judgment at Nuremberg, Chief Judge Dan Haywood was faced with a strange predicament. He presided over a tribunal that was going into the trial of four judges of Germany. The charge was that these four had used their offices to abet forced sterilization and ethnic cleansing of certain groups (Jews, homosexuals, etc.) during Hitler's Nazi regime. On the other hand, there were arguments that since judges and civil servants do not make laws, but only carry out the laws of their country, they should not be punished. Could they really stand up to the injustice and cruelty when the state machinery could very well be used against them? Or was the excuse of 'doing my duty' just a veil behind which they could shrug off their moral and legal responsibility? Moreover, the Cold War was heating up and no one wanted any more trials in Germany, as it could lead to negative public opinion. It was expected that the tribunal would free the judges without sentencing them to imprisonment. The dilemma before the tribunal, therefore, was whether it was right to forget the past and let it be or to punish all those who abetted implementation of such inhuman acts? The trial goes on to show that "in a situation of crisis, even the extraordinary, compassionate and empathetic men/women can delude themselves to commission of heinous crimes beyond imagination". Judge Haywood did not give into the pressure and decided the case on its merits –punishing those against whom charges of conscious participation in the government organized cruelty and injustice could be proved.

In 2005 in Afghanistan, a US navy seal Marcus Luttrell was faced with a dilemma – whether to kill innocent civilians, whom his teammates suspected will give away the location of their hideout, or to let them go. Faced with such situation, he decided to let them go. A few hours later, they were surrounded and ambushed by the Taliban. Luttrell survived and later confessed that it were his Christian beliefs of love, faith and hope that guided him that moment and that he so wished that he would have listened to his teammates and changed the decision. Contrast this with an incident in Jammu Kashmir. In 2016 Major Gogoi was accused of serious human rights violation when he grabbed a person from the mob throwing stones and used him as a human shield to escort the forces' personnel safely out of the danger zone. The military enquiry exonerated him, but did he have the right to put another man's life in danger, violating his right to life? Looking back, the decisions which Luttrell or Gogoi took can be endlessly dissected. But this dissection has to be done in a reasoned framework. What were the guiding factors which led them to take those decisions? With the benefit of hindsight, what better could have been done?

We tend to hold opinions on a variety of subjects. How is that opinion shaped? How do we define whether a particular event, decision or a fact, howsoever unconnected to us, is good or bad, right or wrong? Many people will not be concerned about how much money a cricketer in India earns. But how do we co-relate their earnings with other equally demanding, but not as glamorous sports? Or of a hardworking traffic policeman with a hardworking corporate employee working in an air-conditioned office in Mumbai? Does the right to bear child also includes the right to terminate his life? Is saving several lives at the cost of one life justified? These questions do not have simple yes-no answers. But the framework which we use to evaluate these questions cannot be arbitrary. It has to be reasoned. What can be the moral argument for or against such discrepancies?

Further, as a civil servant, not only does one have to take decisions which impact the lives of others, but has to make choices for oneself as well. For example, does accepting tenders from a firm run by a relative amount to conflict of interest? What should be correct way to approach such situations? In this chapter we will try to draw a basic framework of reasoning that can be helpful for us to handle and answer such moral dilemmas.

At its simplest, ethics is a system of moral principles. It is the investigative study of 'What is the right thing to do?' They affect how people make decisions and lead their lives. The term 'ethics' is derived from the Greek word 'ethikos' which can mean custom, habit, character or disposition. Ethics is a system of moral principles that helps us differentiate between right and wrong, good and bad, fair and unfair. These can be said to be the guiding light for human conduct. The change in human behavior and action due to application of ethical principles helps us to build a humane society where everyone can live in peace and harmony.

Whether or not there are any universal moral principles that can be applied irrespective of person or circumstance is a debate that philosophers have had throughout history. Every society has tried to codify the principles of good or acceptable conduct many times in past. Bad or unacceptable conduct has been discouraged or punished. Religious views on ethics, for example, tend to be universal. The concept of Categorical Imperative as proposed by Immanuel Kant (covered later) gives a test of determining universality of an act.

2. Ethics and Human Interface – The Essence of Ethics

Essence is the intrinsic nature or indispensable quality of something which determines its character. It implies the core or the substantive portion, the most important quality of a thing. Essence of ethics lies in the requirement of common ethical principles to ensure peace, harmony and stability in society. It can be best reflected in values of accountability, empathy, honesty, integrity, probity, compassion etc.

The most basic need for ethics lies in the fact that we do not automatically know what will benefit our lives, and what will be detrimental. We constantly face choices that affect the length and quality of our lives. We must choose our values, where to live, how to spend our time, whom to associate with, whom to believe? We must choose what to think about, and how to go about achieving our goals. Which character traits to acquire, and which to eliminate? Which of our emotional responses are beneficial, and which, detrimental? By what criteria should we judge others, and on what basis to interact with them? To the extent that we default on deliberation, we are at the mercy of social and emotional factors that may be far from optimal.

Ethics is about the choices that we make - or fail to make. We are aware of our conscious thoughts and of our ability to make informed, intelligent choices - that is what we call free will. We are aware that the choices that we make have consequences, both for ourselves and for others. We are aware of the responsibility that we have for our actions. But, we do not have reliable inherent knowledge or instincts that will automatically promote our survival and flourishing. We may have an inherent emotional desire to survive and avoid pain, but we do not have innate knowledge about how to achieve those objectives. A rational, non-contradictory ethic can help us make better choices regarding our lives as well as social well-being.

The choices which individuals make may become fossilized over a period of time into beliefs and value system of a society. Legal system of a country greatly depends upon these values and beliefs. Think of surrogacy laws: does the freedom to become a biological parent gives us the authority to put monetary value on something as intrinsic as motherhood? The law on surrogacy in India reflects the Indian value system whereas in other countries, it reflects theirs'.

Ethics or Moral philosophy contemplates what is wrong or right. As a discipline, it has three branches – Meta-ethics, Normative ethics and Applied ethics. Meta-ethics investigates the broader questions, such as 'how can morality be defined?', 'What is justice?' etc. Normative ethics is concerned with what we *ought to do*. It provides a framework for deciding what is right or wrong. Various philosophers have tried to give this framework through reasoning, for

e.g. deontological ethics of Kant, utilitarianism of Jeremy Bentham and Juan Stuart Mill, virtue ethics of Aristotle, et al. Finally, Applied Ethics deals with practical issues of moral importance such as capital punishment, surrogacy, and dilemmas in day-to-day life, etc. (Further refer to section on dimensions of ethics below)

2.1. Key Terms: Beliefs, Values, Norms, Principles, Morals, Ethics

The terms beliefs, norms, values, morality, ethics and principles have been used interchangeably many times but there are subtle differences. Think of these terms in an evolutionary framework to appreciate the differences – from an individual's beliefs to a social norm to a country's law. A human being thrives on what he/she believes in. A community goes by what they think is acceptable. A society acts based on how they are expected to act. These are called, respectively, beliefs, norms and values.

Beliefs

A coffee-mug lies on my table. I believe that a coffee mug lies on my table. Ram killed Ravan according to Ramayana. Someone might believe that Ram did in-fact kill Ravan. Beliefs are the ideas, viewpoints and attitudes of a particular group or a society. They consist of fables, myths, folklore, traditions, and superstition. They can also be true and verifiable facts, history or legends. Beliefs lay the foundation of a cultural group, but they are often invisible to the group that holds them. They are important because they give us hope. A human being thrives on what he/she believes in. However, beliefs can be challenged. Peripheral beliefs can also be changed. Two people might have different beliefs about a phenomenon – as simple as a glass being half empty or half full, to complex theological questions such as how did earth or life come to being? Beliefs evoke emotions, but not-necessarily actions.

Values

Values denote preference – for good or bad. Values are important and lasting beliefs or ideas within an individual about what is good or bad and desirable or undesirable. Values are gathered through external environment, family, as well as experiences. They are expressed generally in terms of 'should'. Through belief in Ramayana, one can come to value beliefs such as respect to elders, honesty, integrity, etc. One can also assign negative values to acts such as kidnapping and insulting. We make judgment about how desirable or undesirable a thing is. Values thus act as guiding principles to move ahead. It has a major influence on person's behavior and attitude.

Norms

Norms are social expectations that guide behavior i.e. socially acceptable ways of behavior are called norms. Norms are generally informal guidelines of a particular group or community about right or wrong social behavior. They are a form of collective expectations of community's members from each other. Norms are a form of social control or social pressure on individual to conform, induce uniformity and check deviant behavior. They are expressed through social customs, folkways or mores. Norms provide order in a society. For e.g. in a traditional society, it is a norm that a son must obey his father's command and fulfill his wishes.

Non-conforming to norms attracts punishment. Punishment may be in form of being looked down upon, derision, scolding, boycott, imposing penance, etc. Laws are a later stage of evolution of norms, where the society has codified the terms of expected and unexpected behavior from its members. Those who are deviant are tried in a court of law and punished accordingly. It is important to note that for an individual, norms are imposed externally whereas beliefs and values are internal. Norms are a specific guide to behavior whereas values provide indirect guidance only.

Principles

Values, beliefs, morality vary from individual to individual. Ethics may also differ in different communities and culture. However, Principles are rules or laws that are universal in nature. Principles are about universal truths and standards such as fairness, truthfulness, equality, justice etc.

Morals

Morals are beliefs of an individual or a group as to what is right or wrong, acceptable or unacceptable. While they do prescribe what the right conduct is, morality is ultimately a personal compass, a personal choice. Think of religion, say Jainism, which has its five principles (Truth (Satya), Non-Violence (Ahimsa), Non-stealing (Asteya), Celibacy (Bramacharya) and Non-attachment (aparigriha)) that act as moral guides for people following Jainism. However, it ultimately is the individual choice of which morals do they actually follow or use to judge rightness or wrongness of an action. Hence, morals are the principles of right behavior which **we** use to judge the goodness or badness of human character. Morals are the prevailing standards of behavior that enable people to live cooperatively in groups. Most people tend to act morally and follow societal guidelines. Those who are indifferent to right or wrong are called amoral, while those who do evil acts are called immoral.

Morals may change over time. Historically, religion has been an important source of morals. With new knowledge, a person's morals may change. For example, homosexuality - an act still considered unnatural and hence, immoral, is gaining more acceptance throughout the world. Some morals transcend time and cultures. For example, selfishness is considered as immoral, whereas loyalty and telling the truth are considered as moral.

Note that since morals are generally an individual *choice*, they lack objectivity. As such, morals do not guarantee consistent action. Actual behavior or a person may deviate from his/her morals. Objective here means consistency in action. There can be different choices in different contexts – a person may consider cheating as immoral but may cheat in an exam given the opportunity. Hence morals are those beliefs which are considered right but are not necessarily reproduced in action. What is morally correct may not be objectively correct.

Ethics

Ethics describes enquiry, investigation, analysis and application of moral principles and dilemmas. Ethics can refer to a personal belief system (same as morals), or rules of conduct, or study of moral philosophy (as an academic exercise). Ethics provide a framework for understanding and interpreting right and wrong in a group or a society. Ethics are different because the element of reasoning and critical analysis is the key factor in arriving at acceptable or unacceptable conduct or decision.

Ethics (understood as Moral Philosophy) is concerned with questions of **how people ought to act**, and the search for a **definition of right conduct and the good life**. Here, ethics involves systematizing, defending, and recommending concepts of right and wrong behavior. There may be different approaches to arriving at the right conduct i.e. ethical behavior. However, all these approaches are reasoned frameworks. Major approaches are virtue based, duty based and utility based.

In a practical sense, ethics refers to **rules** concerning upright behavior. Many organizations have rules concerning the standards of behavior expected of their employees. For example, a hospital may require that doctors prescribe the treatment which balances the requirement, effectiveness and cost to the patient. There is no legal requirement, but it **ought to be the way in which a doctor acts**. Medical profession requires that doctors must respect the autonomy of the patients (autonomy as in right to choose the type of treatment depending on means

available, confidentiality of personal information, etc.). A financial company may require that investment details of its clients should not be revealed by its employees. The so called 'codes of ethics' are there because a person's own morals may be silent on these aspects. These codes thus act as guides for right conduct.

Ethics work as guiding principles to decide what is right or wrong. They are the standards which influence the decisions made by a person. Note the word 'guiding principles' - ethics are externally imposed. Since they come from external source, they tend to be consistent and objective. They require the person to act in specific ways. Digression from these standards is considered unethical and may be informally disapproved or censured. Truthfulness, honesty, integrity, respect, fairness are examples of ethical principles.

Ethics and Morality

Ethics and morality seem to carry the same meaning and they are generally used interchangeably. However, some philosophers make a distinction between the two.

Ethics differs from morals and morality in that ethics denotes the theory of right action and the greater good, while morals indicate their practice at the individual level. Ethics is the science of morals. Morals are the practice of ethics.

Elaboration: Consider science. Science is not there in nature in a systematized form. It has to be derived based on observations and practice. Once scientific study has been done and results arrived at, they are subjected to tests in the real world. Once it gets established, it is prescribed as the correct way to go about doing things, such as construction of a multistory building based on principles of physics. Ethics is where one studies about moral principles. Morals are the practice of this knowledge. Ethics thus are rules which govern the conduct of all the members of a group (such as doctors, lawyers, policemen, cultural group or society). Morals are those standards which the individual sets up for himself/herself. Both ethics and morals may be embodied in conduct rules, which may have the force of law. Otherwise, morality means individual propositions and is subjective by nature as it varies from person to person while ethics are collective propositions of society and thus are more objective compared to morality.

Morals are principles which help guide a person about rightness or wrongness of an act. Ethics are principles of right conduct –i.e. what should be the right way in which a person should act in a situation. The difference clearly comes out in the classic case of a defense lawyer. A lawyer may consider murder to be a reprehensible act, deserving severe punishment. But a defense attorney has to be unbiased and her professional ethics require her to defend the client to the best of her abilities, even if she knows that the client is guilty. Everyone, even a terrorist, deserves a fair trial in a court of law, not a kangaroo court or mob justice.

An individual's morals can be informed by the broader rules of ethics. Believing that theft is wrong may stem from the ethical principle of respect of private property of others. Take example of a civil servant being involved in two different illegal acts. Taking bribe for doing his/her duty is a crime under Prevention of Corruption Act. It is also a violation civil service ethics. On the other hand, being involved in a relationship outside marriage, which is punishable under Adultery laws, is a moral lapse. Similarly, consider a police officer who indulges in consumption of drugs. Society considers such person to be of weak morals. Further, it is unethical to be inebriated if one is responsible for maintaining law and order. Moreover, suppressing information from the department about his involvement in such activities will also be a breach of departmental ethics. Finally, it is also illegal to consume banned substances under the law.

Take another example. A society may believe in a certain code of conduct i.e. ethics for its members. One individual may agree or disagree with some codes. For example, one might

personally believe in absolute, unhindered free speech. On the other hand, the society might believe that defaming religious or national icons/symbols is wrong. An individual who defames religious icons may act morally according to himself but is acting unethically according to the society. On the other hand, during medieval times, there was nothing unethical about slavery; in fact it was considered a measure of prestige. Today, it is abolished and is considered abhorrent, but back then, it was an accepted way of life. But an individual's morals may have led him to treat his slaves in a humane manner. Also, one could have personally considered slavery as wrong, but his thoughts would probably draw the ire of society.

Ethics and Laws

Ethics is the reasoned framework in a society about '*what is the right thing to do?*' Members and groups in a society have different ways to answer that question. However, there ought to be a minimum enforceable standard of behavior in a society. This minimum standard is the law. Law is necessary for a community to be stable so that it can progress in a harmonious way. Law is universally accepted, recognized and enforced. It is created with the purpose of maintaining social order, peace, justice in the society and to provide protection to the general public and safeguard their interest. It is made after considering ethical principles and moral values.

Laws, rules and regulations enacted by an appropriate authority which has the mechanisms to enforce them and punish those who are in its contravention. Law is an institutionalized rule system established by governments. Ethics are only a set of guidelines which one should follow. When certain ethical principles become accepted widely, they are generally codified into laws.

Law is generally narrower in scope than ethics. There may be many areas where law does not exist or is silent or agnostic about the actions. But ethics and morals have wide scope. They guide the actions in almost all kind of instances. In fact, different schools of ethics compete with each other for their universality in application.

So what is the relationship between law and ethics? Does law determine ethics or vice-versa?

In most of the cases of evolution of a democratic form of governance, it is the ethical standards that have given rise to laws which the society places upon itself. However, it is not always the case. Take for example, the practice of Sati till the 19th century. It was widely believed to be the right way in which a woman should act. However, with help of reformers, a law was passed to outlaw the practice. Law at that time was in conflict with ethics. This is an example where morals of a few guided the law, which has subsequently shaped the ethics of the society. Now it is no longer considered normal for a woman to burn herself on the husband's pyre.

Take the case of Section 377 of IPC, which outlaws homosexuality. When the IPC was enacted, homosexuality was considered as unnatural, immoral and unethical for the society. Hence, there was wide acceptance. Still, the section has considerable support in the Indian society (which can be measured from the government's reluctance to abrogate it). Hence, it is the case of ethics guiding law. However, as the society progresses, a reasoned framework can inform the debate around Sec. 377, possibly leading to its abrogation.

The law regulating surrogacy in India is highly influenced by the ethics of the society. Our society considers 'motherhood' to be sacrosanct and therefore does not put a monetary value on it. It is this ethical principle that has guided the law which regulates surrogacy (even in most western countries as well). May be in future when we start valuing motherhood less than the individual's right to bear a biological child, we may provide relaxations. The debate informing surrogacy in India has mostly treated human beings as a means to earn by becoming a child factory. It has little to do with the individual's rights. A uniformed consent done under the conditions of desperate poverty may have a contractual legal standing but has little intrinsic, ethical value.

Ethics of a large section of people may be against the current laws such as surrogacy or Section 377 of IPC. Abrogation of Section 66A of the IT Act, 2008 which curtailed free speech was a classic case where progressive ethics of people helped reading down of a regressive law. As is clear from above examples, laws and ethics can be in conflict with each other or may reinforce each other.

2.2. Determinants of Ethics

When we talk about the determinants of ethics, we talk about the factors which one considers in that reasoned framework. Those factors inform the way in which an individual acts or takes decision. These factors inform the ways in which society expects its members to behave. These ethical principles may be determined by a number of factors such as:

God and Religion - It advocates universal and ideal ethical standards. Religious textbooks deal with questions of how an individual should behave and how the society should be. For e.g. Christian Morality is one of the important sources of ideal individual behavior in west. The conception of 'Ram Rajya' in India is more of an ethical society rather than a governance model. Religion based ethics trace the source to God - something is good because God says so, the way to live a good life is to do what the God wants. However, one should not identify ethics with religion. Because then ethics would apply only to religious people. But ethics applies to the behavior of the atheist as well. Also, the source of religion can scientifically be only traced back to humans. As such, it is dependent upon context, situation and experience and is subject to errors and revision.

Human Conscience and Intuition – This school believes that what is good is good because it is good. Its goodness or badness does not need any justification. Accordingly, what is good or not can be detected by the intuitive moral sense. Basic moral truths are self-evident to a person who directs his/her mind towards moral issues. Please note that moral truths according to an intuitionist are not derived from rational arguments or from having a hunch or a feeling. They are simply realized by pondering over moral issues. It is like an 'aaha!!' moment of realization.

Difference between Conscience and Intuition: Human beings behave according to the knowledge they have and experiences they go through. Our conscious mind is what actively evaluates a situation and then takes decisions. However, our subconscious mind is a repository of all our past experiences and decisions. Although we do not actively summon our subconscious mind, there are, metaphorically, lightning fast calculations that tell us what to do or what not to do.

Intuition is the ability to understand something instinctively, without the need for conscious reasoning. Our intuition, although seemingly totally random (as it is instinctive), is not always so. For example: One sees a cricket match and sees that Sachin gets out when he smiles. Next time, if the person sees Sachin smiling while batting, he would probably think that he will get out. This is intuition. Although it seems totally random, it is based on our past experiences, observations or simply information given by others. However, intuition has no moral choice involved. It is merely an expectation of an outcome.

Conscience is a person's moral sense of right and wrong, viewed as acting as a guide to one's behaviour. It also flows from our repository of experiences and knowledge. It is often referred to as the inner voice of reason. This inner voice may or may not involve elaborate reasoning but it does concern with judging a situation as good or bad i.e. a moral choice is involved. Conscience can also be suppressed willingly. A person may choose to do something which his/her conscience opposes because there is some higher authority or a threat prohibiting the desired action. This leads to crisis of conscience.

Culture – The ethical principles of an individual are also influenced by the culture and the country in which she/he is based. For example - western culture seems to be individualistic while Indian culture is based on values of universalism and multiplicity. Even literature, scriptures etc. guide person's conduct. For example – Vedic literature, Buddhist literature etc.

Society - In any society, most people accept standards that are, in fact, ethical. However, one should not equate being ethical to "whatever society accepts" as society can deviate from **what is** ethical. An entire society or its large influential section can become ethically corrupt. For example, Nazi Germany or Stalinist Russia imposed on their citizens particular standards of living and tried to indoctrinate them. Caste system in India has continued through millennia because of approval of influential members of the society. Further, there are many issues where there is no social consensus. Thus, ethics cannot be equated with whatever society accepts.

Family, Teachers and life experiences – Parents, family and teachers shape the value system of a child. Their behavior, conduct and teachings influence the direction in which the child steers. In fact, affiliations to same religion, customs and tradition are seen in same family. However, some also break free from the beliefs, notions and ideas of their parents and choose their own set of principles according to own free will. For example – a boy may consider girl child same as that of male child even if he and his sister was treated unequally by their parents.

Law - The law often incorporates ethical standards to which most citizens subscribe. However, one should not equate being ethical to following the law. Laws, at times, can deviate from what is ethical. For example – slavery laws in US did not make slavery ethical. On the other hand, laws which banned slavery and gave equal rights reflect convergence of laws and ethics. Relationship between law and ethics has been detailed above.

Leadership – The leadership of a society or an organization or nation also helps to determine the conduct of their followers or admirers is ethical. For example – Indian democratic, liberal, secular, tolerant tradition has been the gift of our forefathers and makers of modern Indian society. However, leadership is also prone to unethical practices. It depends on the virtue of the leaders themselves. Thus, being ethical cannot always be equated to following the leader.

Philosophies – Various philosophers and thinkers subscribe to different sets of ethics. For example – for a consequentialist, ethics in action is determined by its outcome while for a deontologist, it depends on the nature of the act itself. Thus, ethical values of an individual will depend upon the philosophy to which it was closer to in formative years.

Constitution – Constitution of various countries also is a way to establish moral disposition of their society. For example – equality, accountability, democratic values are reflected in some countries constitution and autocratic, high-handedness, and inferiority, non-participative values are reflected in the framework of other countries.

Because, law, society, religion can deviate from what is ethical, one needs to constantly examine one's moral standards to ensure that they are reasonable and well-founded. Being ethical requires continuous effort in studying our own moral beliefs and our moral conduct, and striving to ensure that we follow it in our routines. Thus, individual by oneself is also one of the most important determinants of ethics – everyone has emotional convictions or deep intuitions about the immorality of, say, murdering an innocent victim, about aborting a female fetus, or regarding child abuse.

Skill in addressing ethical issues can be learned and cultivated if we recognize the importance of doing so. The requirement is that we view our treatment of ethical problems as an ongoing process of designing the best courses of action for specific situations we face. This demands that we are able to establish a framework for understanding ethics in dynamic rather than static terms.

2.3. Consequences of Ethics

Consequences of ethics mean consequences of human actions which are guided by ethical principles. This means consequences determine how good or bad an act was. Consequence of any action can be measured by happiness, suffering, pain, pleasure occurred as a result of the human action. Consequences of human actions motivate or prohibit one to do or not to do certain things. For example – parents motivate their children to work hard by giving the lure of gifts.

Humans in general tend to maximize pleasure from their actions. However, some people prefer short term pleasure without consideration of long term consequences while some may prefer temporary pain to ensure long term pleasure in future. For example – one may satisfy its sweet tooth or give in to their cravings while ignoring the health benefits which may cause pain in future. Others may exercise daily and practice self-control to ensure disease-free life in future.

However, predicting consequences of human actions is difficult.

Please note that 'Consequentialism' is just one part of 'Consequences of Ethics'. Consequentialism is an ethical theory which says that an act should be considered ethical if it is able to produce good consequences.

2.4. Dimensions of Ethics

What is an ethical theory? It is a philosophical theory which seeks to understand, explain and perhaps guide us in practice of making moral judgments. An ethical theory is not merely description of moral beliefs of individuals, societies or cultures. A person pondering over ethics tries to answer the following questions:

A. The very nature and status of morality: Is morality what god/religion says? Or is it the set of rules which human beings have designed for themselves to further their mutual self-interests? So what exactly is ethics, its definition and its scope?

B. The nature and meaning of moral judgments: Are moral judgments merely emotional in nature i.e. do they express our emotions and desires rather than being rational and reasoned? Can moral judgments be classified as true or false universally or are they dependent on context? E.g. 'Honesty is the best policy' - is honesty only a desirable trait in a person or is this statement a universal truth? If true, is there a context which is associated with it?

C. The fundamental rules, principles and values justifying moral judgments: Are consequences the only thing that matter in a decision or are there certain other principles which must be followed? Is human happiness more important than adhering to duty? Or is being virtuous more important than both? Any of these principles may underlie a moral judgment.

D. Practical application of ethics: Is stealing for the sake of feeding children justified? Should advancement in biology continue unhindered or should there be certain control over genetically modified babies? Should admissions in universities be based solely on merit or should there be affirmative action for people with relatively backward socio-economic background? What should be the parameters to decide merit?

The questions A-D are the different dimensions along which ethics is studied. These are categorized more specifically as Meta-ethics, Normative-ethics and applied ethics.

1. Meta-ethics deals with the nature of moral judgments (questions in A&B). It looks at the origins and meaning of ethical principles. For example, when we talk of bioethics, meta-ethics will not answer the questions of right or wrong. Rather it tries to define the essential meaning and nature of problem being discussed. So it will examine 'what does it **mean** to ask whether genetic research is morally permissible?' 'What are the sources which we should consider in determining the ethical nature of genetic engineering? – is it god or the human made laws?'

2. Normative ethics (questions in C) is concerned with the content of moral judgments and the criteria for what is right or wrong. It involves arriving at moral standards that regulate right and wrong conduct. In a sense, it is a search for an ideal litmus test of proper behavior. It is the branch of ethics concerned with establishing how things should or ought to be, how to value them, which things are good or bad, and which actions are right or wrong. It attempts to develop a set of rules governing human conduct, or a set of norms for action. **Under normative ethics is where we study different approaches to ethical questions.** A given situation has not one ideal solution, rather different values to different principles will lead us to different decisions. Some of the important approaches are:

- **Consequentialist approach** – According to this approach, ethics of an action is determined by its consequences, result or outcomes. The more good consequences an act produces, the better or righter that act was. Utilitarianism is one form. It states that people should maximize utility. Utility can be measured in terms of human welfare or well-being. In hedonism, it is said that people should maximize their pleasure. Thus, according to these, actions which maximize pleasure or welfare and minimize pain or suffering are ethical.
- **Deontological approach** – According to this approach, ethics is based on what people do and not what was the outcome of that action. It is non-consequentialist as we can't show good outcomes to justify our actions. According to this, we need to do the right thing because it is right and avoid the wrong thing because it is wrong. Certain acts by themselves are unethical such as it is wrong to kill people, steal, tell lies etc. **Natural Rights Theory** (such as that espoused by Thomas Hobbes and John Locke), holds that humans have absolute, natural rights. These are in the sense of universal rights that are inherent in the nature of ethics and not contingent on human actions or beliefs. This eventually developed into what we today call human rights. **Immanuel Kant's Categorical Imperative** roots morality in humanity's rational capacity and asserts certain inviolable moral laws. Kant's formulation is deontological in that he argues that to act in the morally right way, people must act according to duty, and that it is the motives of the person who carries out the action that make them right or wrong, not the consequences of the actions. Simply stated, the **Categorical Imperative** states that one should only act in such a way that one could want the maxim (or the principle) of one's action to become a universal law, and that one should always treat humanity as an end rather than means.
- **Virtue ethics** – It is person rather than action based. It focuses on the inherent character of a person rather than on the nature or consequences of specific actions performed. According to this approach, a virtuous person always does the right thing. He will do the same thing always in similar circumstances. Virtue ethics not only deals with the rightness or wrongness of individual actions, it provides guidance as to the sort of characteristics and behaviors a good person will seek to achieve. Thus, according to it, to build a good society, people should be helped to be virtuous people. Although list of virtues changes over time, yet certain virtues which more or less remains in the list are – justice, fortitude, temperance, self-care, fidelity.
- **Contextualist approach** – It rejects prescriptive rules. According to this approach, right and wrong depend upon the situation as there are no universal moral rules or rights. Thus, each case is unique and deserves a unique solution.
- **Super-naturalist approach** – where ethics is attributed to God, that is, the only source of moral rules is God – whatever the God says is ethical. Thus, being ethical in your life means following what God says.

3. Applied ethics (questions in D) – it attempts to apply ethical theory to real life situations such as it looks at controversial topics like war, animal rights and capital punishment. It has many specialized fields, such as engineering ethics, bioethics, geoethics, public service ethics and business ethics. It is used in determining public policy.

3. Applied Ethics: Specific Examples

3.1. Environmental Ethics

Environmental ethics is the branch of ethics that studies the relation of human actions and natural environment. Environmental ethics treat environment as a part of society. It is about environmental values and societal attitudes related to protecting and sustaining biodiversity and ecological systems.

Increasing pollution, depletion of natural resources, dwindling plant and animal biodiversity, the loss of wilderness, the degradation of ecosystems, and climate change are all part of a raft of “green” issues that have implanted themselves into both public consciousness and public policy in recent years. The job of environmental ethics is to outline our moral obligations in the face of such concerns. The two fundamental questions that environmental ethics must address are: what duties do humans have with respect to the environment, and why? The latter question usually needs to be considered prior to the former. In order to tackle just what our obligations are, it is usually thought necessary to consider first why we have them. For example, do we have environmental obligations for the sake of human beings living in the world today or for our future generations, or for the sake of entities within the environment itself, irrespective of any human benefits in terms of ecosystem services? Different ethical approaches give quite different answers to this fundamental question and has led to the emergence of quite different environmental ethics.

Ecological values are part of Indian tradition where nature was revered for its services to mankind. Various environmentalists such as Baba Amte have also spread awareness about ecological balance and wildlife preservation. They believed that humans have to live in harmony with nature, and not by exploiting nature and motivated people to adopt a model of sustainable development that would be beneficial for both mankind and nature. Some of the ecological values are:

- **Sustainability** – steps should be taken to ensure that we reduce pollution levels and wasteful consumption of natural resources.
- **Co-existence** – with plants and wildlife with treating them alike to humans
- **Conservation** – stress on conserving resources by finding natural alternatives
- **Environment-centric** – ethical principles should not just revolve around humans and its needs but also environment and its requirements.
- **Collectivism as well as individualism** – take collective efforts to ensure conservation while also recognizing the importance of individual human actions.
- **Holistic** – environment needs to be conserved in total and not in bits and parts which results in wastage of efforts of conservation

3.2. Business Ethics

Business ethics represents a set of ethical principles that are applied in a business environment. It is applicable to all activities and individuals of an organization. Many firms develop detailed codes of conduct to guide the actions of people employed in their organization. Thus, business ethics can be termed as study of content and effectiveness of these codes of conduct.

Business entities should have the moral responsibility for what they do. For example – responsibility of treating their employees well, responsibility of respecting the environment from which they draw resources, responsibility for the impact of its product on consumers etc. Corporate reputation is dependent on the level of morality adopted in corporate operations. Some examples of ethical practices in business can be:

- Not being tempted to cheat, deceive or manipulate others

- Following laws and regulations that structure market and organizations in letter as well spirit.

However, laws cannot cover all the business practices. Thus, law leaves gaps which can be exploited by businesses. This is where business ethics comes in. Businesses should not exploit market when market is failing due to externalities or imperfect information.

Business ethics with respect to consumers

Firms, in their engagement with consumers, should follow certain ethical practices such as

- Maintaining standards in the production of goods and services such as healthcare, pharma production etc. to ensure safety of the users consuming it
- Giving true picture of the product to consumers in advertisements
- Not undertaking sale of inappropriate products such as illegally obtained organs, drugs, sexual services etc. which demean intrinsic value of humanity by treating it merely as a means to generate profits.

Business ethics with respect to employees

Firms should take care of following issues while dealing with their employees

- **Non-discrimination** – The employees should be treated strictly according to the basis of the merit they possess with respect to the job
- **Pay commensurate to their efforts** – Employee should be paid according to the contribution he/she made towards success of the organization.

Other aspects of business ethics will be covered in detail as part of the topic “corporate governance”.

3.3. Ethical Management

Ethical management is the incorporation of ethics in management i.e. one should refrain from bad practices in management. Managerial ethics is the set of standards that dictate the conduct of manager operating within a workplace. There are no legal rules or laws formulated for this purpose. Instead, the ethics code is assembled by the company to guide its managers. It typically references shared values, principles and company policies about basic conduct and outlines the duties of the manager towards employees, the company and its stakeholders. Although not enforceable, managers who consistently ignore certain company's ethics may be asked to step down. Examples include having a code of conduct to use company's equipment such as telephone or cab service for personal use, giving fair opportunity to subordinates to express their grievances, or prior declaration of any conflict of interest situation such as accepting gifts from vendors, etc.

Kindly note: Business ethics and Ethical Management (Managerial Ethics) are **slightly** different. Business ethics affects the parties that are influenced by actions of the business. It is a standard for enterprise decision making and action. Ethical management concerns more with standards of personal behavior for managers to deal with employees and other stakeholders.

Also note: Management of ethics is different. To manage ethics means to create a set of principles or code for all to comply with ethical behavior. It is how one deals with conflicts of interests and dilemmas to make an ethically sound decision, how one manages to direct his/her's actions and satisfy his/her's conscience to move towards ethical path.

3.4. Ethical Conflicts in Cosmopolitan Culture and Urbanisation

Economic development and desire for wellbeing has made the phenomenon of rapid urbanization and culture of cosmopolitanism a de-facto feature of the modern society. This

leads to enhanced job opportunities, rise in standards of living of people, economic progress of a nation, rise in awareness, assertive demands regarding provision of services by government etc.

Cosmopolitanism is the ideology that all human beings belong to a single community with similar set of moral principles. Theoretically, here everyone can retain their individual and cultural integrity while also keeping themselves open to the larger world. Cosmopolitanisation and urbanization are associated with the following values:

- Inclusivity, oneness, human rights and dignity, cultural diversity, solidarity, equality
- Openness, good governance, responsibility and accountability, democracy
- Globalization, modernism, industrialization, consumerism, liberalisation
- Opposition to chauvinism, social justice, peace
- Collective Intelligence through information

However, they also give rise to various ethical conflicts such as:

- **Environmental sustainability versus use of resources for development projects** – Large projects such as mining, building dams, power projects etc. are required to meet rising demands of people and improve standard of living. This is in direct conflict with the question of sustainability i.e., optimum utilisation of resources by present generation so that sufficient resources are available for the generations to come.
- **Rising inequality and the condition of poor and vulnerable** – The fruits of economic growth have been appropriated by only a few and thus, it has led to immense inequality. The conditions of people living in urban slums and squatters versus the gated communities in metros reflect the divide that urbanization has created and is perpetuating.
- **Conflict of resources** – Although, people are migrating to urban areas, following a cosmopolitan culture, yet the vast population growth in urban areas is leading to resource crunch in terms of land, water, infrastructure etc. Thus, many people living in small spaces, with low water accessibility and congestion on roads etc.
- **Salad bowl vs Melting pot model of society** – Due to cosmopolitanisation, many cultures have lost their identity and are increasingly being subsumed and consumed by dominant cultures of the world.
- **Global versus Regional Values** – In opposition to melting pot model, regional and local cultures are asserting themselves strongly as a reaction to globalization.

Social Well-Being

Social well-being implies healthy relationships, social stability and social peace. Humans by nature depend on socialization to enhance their well-being. That's why they form numerous associations. The nature of these associations determines their social well-being. Social well-being can be said to have various components:

- Social health – means people with good social connections
- Social status – means general perception of people regarding nature, possessions etc. of a person
- Social equality – means equal distribution of resources, provision of basic services which are equally accessible to all, which in turn enhance the well-being of people due to sense of equality and a reduced sense of relative deprivation.
- Social norms – that is environment for each individual is similar. The norms related to different communities are not different. For example – absence of the concept of purity and pollution.

Social well-being is about getting along with people. It means having family and friends to support you. It gives a sense of belongingness, purpose and social inclusion. In contemporary times, the social well-being of people has been affected due to breakage of links and bonds developed in their formative years as many people migrate to different places to pursue education or employment and get settled. Thus, the networks in a society are constantly being made and broken.

- **Cultural diversity versus cultural clashes** – the opportunities in these areas brings people from various backgrounds and culture here and enables them to get an exposure to them. But this diversity at times leads to clashes when some people are not open to new culture.
- **Individualisation versus collectivism** - increasing individualisation in urban areas results in new social structures where the traditional family is not as dominant as before. Self-interest seems to have taken over other values.
- **Lifestyle Changes versus healthy routine** – People have begun to associate themselves more with the Mcdonaldisation than their traditional diverse cuisines and habits.

4. Ethics in Private and Public Relationships

4.1. Ethics in Private Relationships

It refers to the ethics that a person identifies with in respect to people and situations that they deal with in everyday life. It largely involves relations with family and friends. They are based on emotional bonds rather than any formal procedure that regulates them and therefore, they are informal in nature. Private relationships are often given or inherited. They are relatively permanent with more tolerance for imperfections.

Ramayana is a classic example of ethics in personal relationships. Although ethics in private life varies from person to person but there are some common underlying principles that are accepted by the society. For example -

Loyalty – loyalty to one's partner and to the family members

Love – loving all the members of family with their imperfections

Affection – caring for needs of all the members as your own

Ethics in private relationship are generally directed by individual virtues, universal human values, religion, social norms and law of land. Ethics in private relationship are also checked by private religious law. Individual familial and community obligations have long been written into law and supported by serious sanctions from ancient time to today's inheritance divorce, marriage and other laws. In India, along with moral codes, religious institutions and constitutional provisions govern ethical issues in private relationship

4.2. Ethics in Public Relationships

It refers to the ethics that a person may adhere to in respect of their interactions and business dealings in their professional life. Public relationships are those that exist by the virtue of profession or the position one holds in professional life.

The core values in the public relations that guide behaviors and decision-making process and are vital to the integrity of any profession can be said to include as follows:

- **Advocacy** – serving the public interest by acting as responsible advocates for those one represents.
- **Honesty & selflessness** - adhering to the highest standards of accuracy and truth in advancing the public interest and not personal interests
- **Expertise** – acquiring and responsibly using specialized knowledge and experience and through continued professional development
- **Accountability & openness**– for your actions taken in respect of your position in public service
- **Loyalty & spirit of service** - honouring the obligation to serve the public interest
- **Fairness & Justice** – uphold the essence of preamble by providing justice in all spheres

The Committee for Standards in Public Life (Nolan Committee) defined seven principles. These are:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other 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 seek to influence them in the performance of their official duties.
3. **Objectivity:** In carrying out 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 it.
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.

OECD countries have also come out with a set of core values to guide public servants. These are impartiality, legality, integrity, transparency, efficiency, equality, responsibility and justice.

4.3. Relation between Public and Private Ethics

The distinction between private and public ethics is a dubious one because both in public and private lives and public lives, we have to live by same ethical values in general. There cannot be any dichotomous relationship between the two. Since ethics promotes a virtuous life, it is equally applicable to both. A person who is unethical in his public life can hardly be expected to be ethical in his private life and vice versa. The way a civil servant treats women in his family is reflected in how he handles female co-workers or whether policies implemented by him have a gender bias or not. If we take examples of great personalities we will find that they had same yardsticks to measure their public as well as personal lives, for example Gandhiji, former President Shri APJ Abdul Kalam.

Sometimes public/professional relations may become personal relations. For example – a teacher-student relationship - sometimes in class, teachers uses personal examples with children, children also shares their weaknesses with the teachers so that he/she can help in improvement. So in this case, at some level, the relationship has become personal with the kind of bond the two have started sharing.

It is very important that there is no conflict between personal and professional ethics as it may lead to frustration, guilt or confusion & dissonance in the mind of some persons. Both of them shape and reinforce each other. For personal development, they need to be congruent to each other. But too much of congruence may also lead to stagnation of ideas and changes – For example – if no person in public service is reform oriented and is congruent with the present society, then socio-cultural changes will be difficult to bring.

Ethics in public life places a greater responsibility and is more demanding as in public life you cannot always follow your personal ethics. For example – personally you may feel abortion is morally wrong, but if you are a doctor, you need to do abortion according to your professional

ethics. Such dilemmas are natural but we need to draw a line between personal and professional role. When performing a role in public, we need to separate our personal lives and follow professional code of conduct strictly.

5. Resolving Ethical Conflicts: What is the Way Out?

Every human being is an end in itself. Certainly, we use other human beings to achieve our ends. A student uses the teacher to achieve his/her goals. However, there is a crucial aspect of an informed consent that is involved here. Hence, it is important that we do not treat humanity as *merely* as a means. What is ethical or moral can be determined by whether it is just and fair. For example, if you have one flute, whom should you give it to: a person who is good at playing flute (virtuous), a person who has the maximum need for it (utility) or a person who has been assigned the task to play flute (deontological)? The answer is not simple. However, by making the process of distribution fair and just can one really claim that an ethical solution has been arrived at.

No one approach is universal or claim to be without any demerits. Aiming for maximizing total happiness might lead to violation of basic rights of an individual. Aiming to adhere to duty might lead to negative consequences; just that responsibility of those consequences will be lessened on the individual who takes the decision. In the long run, general happiness can be increased by rewarding the virtue and penalizing vice.

Justice means choosing what the right thing to do is without fear or favor. The process of judgment must be free of any bias- not only bias towards an individual or a class should not be there, but also the approach or the methods which one uses cannot be the same all time. This means that if the utilitarian approach produced the best results in a case, it does not and should not become the favored approach in all subsequent decision making. A wider, multi-dimensional worldview equips a person with tools to make a well-informed and just decision. With experience in diversity, one comes to realize more and more about circumstances and problems of others. As such, effort should be made to incorporate interests in other cultures and societies as well. This way, a reasoned and well-argued decision can be arrived at. This decision should be able to recognize the benefits and aim for their maximization as well as recognize the demerits and aim for their minimization.

6. Human Values

“Values” denote the value or importance we assign to different aspects of the world around us. A value is a preference as well as conception of the preferable. We attribute values to every human action, thus denoting its vastness.

Values are individual beliefs that motivate people to act one way or another. They serve as a guide for human behavior. Generally, people are predisposed to adopt the values that they are raised with. People also tend to believe that those values are “right” because they are the values of their particular culture.

Ethical decision-making often involves weighing values against each other and choosing which values to elevate. Conflicts can result when people have different values, leading to a clash of preferences and priorities. Some values have intrinsic worth, such as love, truth, and freedom. Other values, such as ambition, responsibility, and courage, describe traits or behaviors that are instrumental as means to an end. However, human values are of utmost importance. Human values are defined as those values which help man to live in harmony with the world. They are at the core of us being humans. Without a deep understanding of one’s relationships with nature, fellow human beings, society, and a deep respect for all life, one is not really educated. The sense of equality, mutual respect, the philosophy of live and let live are the cherished

results of human values. They can be thought of as socially desirable goals that are internalized through the process of conditioning, learning or socialization. Our educational system is naturally concerned with values. One of the important missions is to inculcate some universal basic human values such as – happiness, fairness, love, peace, freedom, safety, respect, responsibility, cooperation, self-reliance, equality etc.

Some values are considered sacred and are moral imperatives for those who believe in them. Sacred values will seldom be compromised because they are perceived as duties rather than as factors to be weighed in decision-making. For example, for some people, standing during the National Anthem is a non-compromisable value. For others it may only be a matter of choice.

So, whether values are sacred, have intrinsic worth, or are a means to an end, values vary among individuals and across cultures and time. However values are universally recognized as a driving force in ethical decision-making. Human values hold importance due to the benefits it has for society. They provide criteria by which we judge people, objects, actions, ideas and situations. Human values may be subjective or objective, intrinsic or extrinsic, personal or community, theoretical or practical, social, political or economic etc.

6.1. Role of Family in Inculcating Values

Family, society and educational institutions are three most important factors affecting the values of a person. The cultural values of harmony, equity, cooperation, democracy, peace are passed on to by the family to child.

The family, the basic unit of society is also the first school of value learning through examples set by the members, ethical teachings imparted by elderly. These can be through stories, life lessons etc. It is family which imparts in an individual the value of sacrifice, love, feelings, high morals etc.

A child's family teaches him/her how to love and respect and others thereby, shaping a child's attitude towards other people in society. Family members are the immediate role models of a child who models his/her behaviour around them. Members of family inculcate moral values such as honesty, truthfulness, happiness, loyalty and integrity in children, which are synonymous with societal values. How a child is reared also impacts the values of child in future. For example – an authoritarian type of child rearing may develop greater value for authority. It is very much possible that such children may have less concern for democratic values.

Family is and always the first value provider, but in recent years, its role has changed which can be seen in the behavior patterns of the children. In a modern nuclear family, the value system being imparted to a child has changed. Focus may be more on competition rather than cooperation, on individualism rather than family and collectivism, on consumerism rather than gratification and sacrifice. It is not necessary that the values being transmitted have degraded, but they have certainly changed. Remember, values are preferences. Earlier, sharing or delayed gratification may have been a preferred value. Now it is being replaced by consumerism and instant fame. Some values over time have gained the status of being fundamental. Some on the other hand are compromised because of human weakness.

Sometimes, family itself teaches one to be selfish in this fiercely competitive world, say by preventing the sharing of notes or information with friends to maintain an edge over them in various competitions. At times, it may be in the interest of the child, but ultimately, it inculcates the value of self-interest and deters him from inculcating the values of cooperation and sharing. This just shows how a modern family value is different from a traditional family value. May be in future, this will become a traditional value.

However, it is not necessary that a child's value system once he/she grows up will be similar to that of parents. One may actively discard certain values through other influences such as media, education system, friends, work, etc. and above all, self-evaluation.

6.2. Role of Educational Institutions in Inculcating Values

After family, it is educational institutes in which a child spends most of his time. Thus, they also have an important role in shaping the personality of the child. Here child is introduced to the world away from the comfort zone of the family. As is being witnessed today, a world evolved through narrow, exclusive and intolerant thought is full of conflicts, violence, inner tensions and war. Therefore, there is a need for a world evolved through harmony, tolerance, peace, and concern for achieving human sustenance. Value education helps in achieving these goals. In a school, the student necessarily learns the following values:

- **Cooperation** – sitting with his/her classmates for 6-7 hours taking everyone along for all the events etc.
- **Interaction with new people** – Here child learns for the first time, how to make new friends with others not known to you before.
- **Diversity of views** – Exposure to the presence of different people with varied beliefs, attitudes and values.

Teachers are great role models and their actions leave a great impact on children in their impressionable age. So do the action of other children. Education is a systematic attempt towards human learning. All education in essence develops all the dimensions of a human personality – intellectual, physical, social and moral. In recent years, due to crisis of values in educational system, the term 'value education' has become the buzz word in the educational institutions and academia.

7. UPSC Previous Years Questions

2013

1. What do you understand by 'Values' and 'Ethics'? In what way is it important to be ethical along with being professionally competent?
2. Some people feel that values keep changing with time and situation, while others strongly believe that there are certain universal and eternal human values. Give your perception in this regard with due justification.
3. What do you understand by the term 'voice of conscience'? How do you prepare yourself to heed to the voice of conscience?
4. What is meant by 'crisis of conscience'? Narrate one incident in your life when you were faced with such a crisis and how you resolved the same.
5. Given below are three quotations of great moral thinkers/philosophers. For each of these quotations, bring out what it means to you in the present context:
 - (a) "There is enough on this earth for every one's need but for no one's greed." -Mahatma Gandhi
 - (b) "Nearly all men can withstand adversity, but if you want to test a man's character, give him power." - Abraham Lincoln.
 - (c) "I count him braver who overcomes his desires than him who overcomes his enemies." – Aristotle
6. "The good of an individual is contained in the good of all." what do you understand by this statement? How can this principle be implemented in public life?

2014

1. All human beings aspire for happiness. Do you agree? What does happiness mean to you? Explain with examples.
2. What does ethics seek to promote in human life? Why is it all the more important in public administration?
3. In the context of defense services, 'patriotism' demands readiness to even lay down one's life in protecting the nation. According to you, what does patriotism imply in everyday civil life? Explain with illustrations and justify your answer.
4. What do you understand by 'probity' in public life? What are the difficulties in practicing it in the present times? How can these difficulties be overcome?
5. "Human beings should always be treated as 'ends' in themselves and never as merely 'means'." Explain the meaning and significance of this statement, giving its implications in the modern techno-economic society.
6. Which eminent personality has inspired you the most in the context of ethical conduct in life? Give the gist of his/her teachings. Giving specific examples, describe how you have been able to apply these teachings for your own ethical development.
7. The current society is plagued with widespread trust-deficit. What are the consequences of this situation for personal well-being and for societal well-being? What can you do at the personal level to make yourself trustworthy?

2015

1. What is meant by 'environmental ethics'? Why is it important to study? Discuss any one environmental issue from the viewpoint of environmental ethics.
2. Differentiate between the following
 - (a) Law and ethics
 - (b) Ethical management and management of ethics
 - (c) Discrimination and preferential treatment
 - (d) Personal Ethics and Professional Ethics
3. Given are two quotations of moral thinkers/philosophers. For each of these bring out what it means to you in the present context.
 - (a) "The weak can never forgive; forgiveness is the attribute of strong."
 - (b) "We can easily forgive a child who is afraid of the dark; the real tragedy of life is when men are afraid of the light"
4. Social values are more important than economic values. Discuss the above statement with examples in the context of inclusive growth of a nation.

2016

1. Explain how ethics contributes social and human well-being.
2. Discuss Mahatma Gandhi's concept of seven sins.
3. Analyse John Rawls's concept of social justice in Indian Context.

2017

1. "Great ambition is the passion of a great character. Those endowed with it may perform very good or very bad acts. All depends on the principles which direct them." – Napoleon Bonaparte. Stating examples mention the rulers (i) who have harmed society and country, (ii) who worked for the development of society and country.
2. "If a country is to be corruption free and become a nation of beautiful minds, I strongly feel there are three key societal members who can make a difference. they are father, the mother and the teacher." – A. P. J. Abdul Kalam. Analyse.
3. The crisis of ethical values in modern times is traced to a narrow perception of the good life. Discuss

8. UPSC Previous Year Question Papers: Case Studies

1. Sivakasi in Tamil Nadu is known for its manufacturing clusters on firecrackers and matches. The local economy of the area is largely dependent on firecrackers industry. It has led to tangible economic development and improved standard of living in the area. So far as child labour norms for hazardous industries like firecrackers industry are concerned, International Labour Organization (ILO) has set the minimum age as 18 years. In India, however, this age is 14 years.

The units in industrial clusters of firecrackers can be classified into registered and non-registered entities. One typical unit is household-based work. Though the law is clear on the use of child labour employment norms in registered/non-registered units, it does not include household-based works. Household-based work means children working under the supervision of their parents/relatives. To evade child labour norms, several units project themselves as household-based works but employ children from outside. Needless to say that employing children saves the costs for these units leading to higher profits to the owners.

On your visit to one of the units at Sivakasi, the owner takes you around the unit which has about 10-15 children below 14 years of age. The owner tells you that in his household-based unit, the children are all his relatives. You notice that several children smirk, when the owner tells you this. On deeper enquiry, you figure out that neither the owner nor the children are able to satisfactorily establish their relationship with each other. (25 marks | 300 words)

- (1) Bring out and discuss the ethical issues involved in the above case.
- (2) What would be your reaction after your above visit?

2. You are working as an Executive Engineer in the construction cell of a Municipal Corporation and are presently in-charge of the construction of a flyover. There are two Junior Engineers under you who have the responsibility of day-to-day inspection of the site and are reporting to you, while you are finally reporting to the Chief Engineer who heads the cell. While the construction is heading towards completion, the Junior Engineer have been regularly reporting that all construction is taking place as per design specifications. However, in one of your surprise inspections, you have noticed some serious deviations and lacuna which, in your opinion, are likely to affect the safety of the flyover. Rectification of these lacunae at this stage would require a substantial amount of demolition and rework which will cause a tangible loss to the contractor and will also delay completion. There is a lot of public pressure on the Corporation to get this construction completed because of heavy traffic congestion in the area. When you brought this matter to the notice of the Chief Engineer, he advised you that in his opinion it is not a very serious lapse and may be ignored. He advised for further expediting the project for completion in time. However, you are convinced that this was a serious matter which might affect public safety and should not be left unaddressed. What will you do in such a situation? Some of the options are given below. Evaluate the merits and demerits of each of these options and finally suggest what course of action you would like to take, giving reasons.

- (1) Follow the advice of the Chief Engineer and go ahead.
- (2) Make an exhaustive report of the situation bringing out all facts and analysis along with your own viewpoints stated clearly and seek for written orders from the chief Engineer.
- (3) Call for explanation from the Junior Engineers and issue orders to the contractor for necessary correction within targeted time.

- (4) Highlight the issue so that it reaches superiors above the Chief Engineer.
- (5) Considering the rigid attitude of the Chief Engineer, seek transfer from the project or report sick.

9. Vision IAS Test Series: Previous Years Questions

1. ***What do you mean by the term "Conflict of Interest". Identify some situations that may fall within its definition and analyze each one of them.***

Approach:

Straight forward question. Explain the meaning of the term and identify some situations that fall within its ambit.

Answer:

Conflict of interest may be defined as a situation in which a public employee has a private or personal interest sufficient to influence or appear to influence the objective exercise of his official duties. Here personal interest includes more than economic matters. It is considered an indicator, a precursor, and a result of corruption.

Transparency International understands a conflict of interest as a situation where an individual or an entity for which they work, whether a government, business, media outlet or civil society organization, is confronted with choosing between the duties and demands of their position and their own private interests.

The OECD guidelines distinguish between:

- Actual conflict of interest: a direct conflict between a public official's current duties and responsibilities and his/her private interests.
- Apparent conflict of interest: where it appears that a public official's private interests could improperly influence the performance of their duties but this is not in fact the case.
- Potential conflict of interest: where a public official has private interests which are such that a conflict of interest would arise if the official were to become involved in the relevant official responsibilities in the future.

The following situations can be said to fall within the definition of conflict of interest.

1. Bribery

Bribery is the illegal acceptance of money or other valuable considerations in exchange for special favours from public servants having to do with their official duties. The critical condition here is that the bribe giver clearly intends to distort the objective, even-handed conduct of the official, and the receiver intends to willingly comply. Thus the official, faced with personal interests, pecuniary or otherwise, in conflict with the laws, policies, and procedures for the conduct of his office, is induced to resolve the conflict in favour of himself. Although bribery usually involves money, it may include other rewards, such as sexual favours, promises of favourable publicity, or offers of access to exclusive social circles.

2. Influence Peddling

Influence peddling occurs when a public employee attempts to influence a government decision so that it favours a third party in which the employee has an interest. Understood in typical terms, this might include such cases as policy decisions regulating a business in which the employee holds shares or developing a general plan affecting

the value of land owned by the employee. This becomes an actual conflict of interest situation whenever the employee stands a high chance of significant gain.

3. Information Peddling

Officials who are privy to information not available to the general public and who use that information to their own advantage, monetary or otherwise, are guilty of information peddling. The key factors are the power of the information and privileged access to it. Actual conflict of interest is present when the information is highly confidential and the official in question is responsible for maintaining the confidence.

4. Financial Transactions

Financial transactions become conflicts when a public servant has direct or indirect financial interests that directly conflict with the responsible performance of the job. Actual conflict of interest is present to the extent that an official is in direct personal control over a decision that will produce significant personal gain. This differs from influence peddling in that the official in question effectively controls the outcome – as for example a secretary does when he can influence the location of a new airport near undeveloped land that he owns.

5. Gifts and Entertainment

Seeking or accepting gifts and hospitality creates a conflict if these items influence a public employee's impartial discharge of his or her duties. This category of conflict of interest amounts to a broadening of understanding of bribery. It includes such things as discounts on purchases, offers of theater tickets, sex, or vacation trips, use of vehicles, and gifts of lavish meals, recreational equipment, and liquor. Typically gifts of this kind differ from other bribery in that they are given with no specific favours requested, but they are nevertheless intended to create a generally positive predisposition towards the donor.

6. Outside Employment

Part-time employment, consulting, retainers, and self-employment may cause a conflict of interest with official duties. Conflict situations include the use of public employment status to enhance a private employer (or oneself), the draining away of effort and energy required for official duties, and the use of government services and equipment in outside work.

7. Future Employment

If a public employee intends to seek employment in the future with a firm he now transacts official business with, the tendency may be to give favoured treatment to this prospective employer in hopes of encouraging a job offer. Also, the government employee may present her inside contacts and knowledge of agency procedure as an attractive package for a firm that does regular business with his public organization. As people move back and forth between public and private sector service, intertwined interests resulting from past work and future employment expectations can become extremely complex.

8. Dealing with Relatives

Situations in which a public administrator may be in a position to do favours for a relative can also create conflict. We might think of this form of conflict of interest, sometimes called nepotism, as a special class of influence peddling because the motivation is similar to other such cases. Essentially it involves using influence to gain

preferential treatment for a relative in hiring, promoting, awarding contracts, or any other business practice. The public administrator who engages in such practices gains not directly, but indirectly, by reinforcing family bonds and mutual support.

2. What do you understand by Administrative Ethics? Why is it needed for efficient functioning of the administrative machinery?

Answer:

There are many definitions of administrative ethics.

- Administrative ethics are considered as 'a set of moral norms and requirements for those in public administration to aim their professional activity at attainment of common wealth and effective use of moral values'.
- Administrative ethics are based upon moral norms. These norms are approved by society, in its role as an important regulator of collective activities and existence as well as upon professional values, which are closely connected to public administration.
- Its tasks are to regulate employee relations by means of norms, behaviour and actions, and to form an ethical component in the consciousness of public administration employees.
- Normally, it is stressed that governmental employees set up ethical standards for managerial decisions, analyze these standards and bear personal and professional responsibility for the decisions made.

Administrative ethics studies all moral aspects of public administration employees' and senior managers' activities. It includes three basic components.

- **Values:** individual, group and social statements, opinions and attitudes towards concepts like freedom, justice, honesty, loyalty, neutrality, responsibility, etc.
- **Standards and norms:** the principles that guide the actions of people and employees and help lead and control their behaviour (laws, codes, rules).
- **Behaviour:** different forms of employee activity limited by certain standards and norms corresponding with social values.

Importance of administrative ethics:

- They reflect the concept and goals of the civil service as well as special tasks of different governmental institutions.
- These principles are influenced by a conception of an ideal or target public administration model adopted in society.
- They aid in defining the ethical requirements for civil servants, to understand clearly the aim of the civil service and the mission of the civil servant.
- To participate in the regulation of the relationship between government and citizens.
- To promote public and state concerns in government activities as much as possible.
- To provide public administration staff with certain behavioral standards based on morality.

The main task of administrative ethics is participation in regulation of the relationship between the government and people. A system of ethical standards and requirements would assist:

1. in putting into practice social constitutional values, such as freedom, social justice, equal opportunities, essential civil rights;

2. in overcoming differences between public groups by means of development and performing reasonable and constructive policies, compromising ethics and social integration; ethical aspects of working out and making decisions in the area of public administration are of primary importance in this case;
3. in distributing public wealth, goods, benefits and compensations made by governmental bodies; furthermore, in the course of governmental institutions performing these tasks, the problems of justice, equality, etc. arise;
4. in increasing authority and prestige, since any state and regional government institution employee represents power in general, and ordinary people considers his/her activities as actions of the state; this imposes a special responsibility for those employed in the area of public administration.

Why administrative ethics are needed for efficient functioning of the administrative machinery:

- An increasing need to define ethical criteria for every public servant, and to impose responsibility for his/her professional activities.
- Developing a unified approach to set up easily interpreted moral principles and standards and to work out a unified system of values and ideals.
- Administrative ethics require professional groups and specialists working for these groups to serve social, professional, group and single customer concerns.
- Special ethical requirements for administrators are necessary in order to realize in society such constitutional values as freedom, social justice, equal opportunities and essential human rights. Therefore, there is a strong relationship between ethical requirements and constitutional values. Special requirements for administrators should cover the following standards: requirements (how professional morality directs civil servant behaviour in certain conditions); prohibitions (what is prohibited in professional behaviour); recommendations (how civil servants should behave in certain moral conditions).
- It is extremely important to develop high moral responsibility for public administration employees who are dealing with individuals representing different social groups. It should be mentioned that from the citizen, professional group or institution point of view it is public administration employee who represents the state and acts on behalf or according to the order of the government body. His/her behaviour, style of work, ways to resolve problems and to talk to ordinary people finally forms the impression upon government machinery.
- All mentioned above oblige to develop measures to improve style of ministries and departments work as well as to control the performance of government administrative machinery. It is necessary to pay attention to high responsibility for one's duties in the employee education, to inculcate in servant the features like efficiency, orderliness, irreproachable and honest duty performance as well as ability to foresee and to work prospectively.

3. *Colleges and schools are a microcosm of the real world. Elaborate as to how these are instrumental in character-building. Also suggest certain measures through which these institutions can play a greater role in the current scenario.*

Approach:

Establish how colleges and school represents the real world. Then discuss the ways in which they play a role in character formation, the way they influence an individual and the degree of influence. Finally suggest some measure to enhance the quality, impact

and form of the values imparted by these institutions. These measures should be mainly focused upon enhancing the efficiency, role and scope of these institutions in character building.

Answer:

Family acts as a primary teacher in child's life but it is school, which broadens his horizon and allows others (teachers, staff, peers, etc.) to help him develop into the smart, confident and respectful adult. Schools and colleges represent a small sample of real world to the child in a way that there are individuals senior to him (teachers, staff) whom he is supposed to obey, there are colleagues from different class, caste and race, religion, sex, nationalities, cultures and traditions with whom he interacts and it provides him the first experience of future life in which he has to be among such persons belonging to various groups. It also helps them to shape their viewpoint of the world around them. Schools provide a world view in a sense that there are deadlines to complete the tasks, examination are manifestation of performance oriented life, gradation/marking signifies that in real life one will be evaluated and rewarded based upon his performance. Thus in schools/colleges different kinds of processes and interactions come to a child for the first time and thus it makes them very important institutions for character building and inculcating values.

Role of Schools and Colleges:

School is primarily an educational institution, which fosters systematic learning in a more or less prescribed manner. School's role is to bring each student to his individual, maximum academic potential. A significant amount of schoolwork throughout the grades is dedicated to helping children become expert problem solvers and solution seekers, skills that will come in just about every personal and professional aspect of child's adult life. Therefore, in addition to academic skills, problem solving is an essential life skill.

The school plays an important role in helping children learn to interact positively with their peers and teachers. They learn about healthy relationship skills and develop them further through interactions, both in classroom and on the playgrounds. Thus schools provide them an opportunity to connect with other children and adults in a caring and emphatic manner. Schools not only provide lessons on reading, writing and arithmetic rather from the very beginning it also focuses on helping kids learn about compassion, respect, empathy and integrity. At first it begins with basic lessons like "raise your hand to speak" and "keep your hands to yourself".

Later it develops into argumentative debates about moral and social issues. By the time one graduates high school he should have a fairly firm grasp on his own beliefs, values and how he see himself. All this helps him to be a responsible and confident human being. Team spirit, leadership, obedience and discipline are some other important personality traits, which are imparted by schools through various activities.

Measures, which can improve role of Schools/Colleges:

- The way in which teachers interact with children and encourage interaction between children, affects each child's development in important ways. So it is very important to ensure quality interaction at each level. For this it is expected that schools publish policies for building the character of their pupils and regularly assessing pupils' strength of character. This can also include general behavioural expectation from the teachers and staff.

- Moreover, there should be a part of curriculum dedicated to education of values. Lectures and events based upon lives of great leaders, social reformers and noble personalities should be promoted and rather than keeping them superficial in nature they should be so designed that it can create maximum impact on students' life.
- Students with good character should be rewarded and appreciated; this will promote others to behave like that.
- Teachers should present themselves as a role model to students and stay completely honest and dedicated in their responsibility.
- Students should be taught about emerging ethical dilemmas in the times of growing use of technology with respect to social media, internet, mobile phones etc.
- Cordial and constructive relation between seniors and juniors is an important element for strong and swift character building process of an individual while lack of this results in many problems like clashes (in form of ragging etc.), stress and exploitation.

4. *Is the morality of an action dependent upon the circumstances of the act or is it independent of it? Examine. Can an action be unethical yet moral?*

Answer:

Morality is individual's own sense of right or wrong which is subject to change according to their changing social milieu and associated social, cultural, religious and political conditionings. Besides this there is an existence of transcendental, objective moral truths which functions regardless of geographic location, place in history or form of culture. Humans have historically recognized some objective moral absolutes; these principles transcend culture, location and history. The doctrine that says that morality is depended on circumstance sees morality in relative terms and it has important implications for how we conduct our lives, organize our societies, and deal with others.

Suppose you have a moral disagreement with someone, for example, a disagreement about whether it is okay to live in a society where the amount of money you are born with is the primary determinant of how wealthy you will end up. In pursuing this debate, you assume that you are correct about the issue and that your conversation partner is mistaken. Your conversation partner assumes that you are making the blunder. In other words, you both assume that only one of you can be correct. However, both conflicting moral beliefs can be true.

However some moral actions are often dependent upon the circumstances in which they are made. For e.g. moral actions (such as killing) are sometimes justified under certain circumstances (i.e. when protecting the life of an innocent child) . Similar is the case with attitudes towards violence which is paralleled by variation in attitudes towards sex and marriage. When studying culturally independent societies, anthropologists have found that over 80% permit polygamy. Some cultures marry off girls while they are still pubescent or even younger. In parts of Ethiopia, half the girls are married before their 15th birthday.

Some scholars say moral variation is greatly exaggerated – people really agree about values but have different factual beliefs or life circumstances that lead them to behave differently.

With morals, unlike science, there is no well-recognized standard that can be used to test, confirm, or correct when disagreements arise.

Therefore what we require is to address the multifariousness of moral considerations that arise in particular cases and the need and possibility for employing moral principles in sound moral reasoning. We require moral judgment, not simply a deductive application of principles or a particularist bottom-line intuition about what we should do. Our moral judgment is greatly aided if it is able to rest on the sort of heuristic support that casuistry offers.

Our principal interest is in ways that we need to structure or think about conflicting considerations in order to negotiate well our reasoning involving them. Some influential building-block for thinking about moral conflicts can be W. D. Ross's notion of a "prima facie duty" (if there is a conflict between prima facie duties, the one that is strongest in the circumstances should be taken) etc.

But relativism has been widely criticized as well. It is attacked as being sophomoric, pernicious, and even incoherent. Moral philosophers, theologians, and social scientists try to identify objective values so as to forestall the relativist menace.

ii) Morals and ethics are two sides of the same coin. Morals are 'rules' (if you will) that individuals are personally bound by through our experiences, knowledge, upbringing, environment, etc. Ethics on the other hand are 'rules' that we subscribe to based on any particular social group with which we associate ourselves. For the better part of the population, morals and ethics are in line with each other. Simply put, most people choose to associate themselves in groups with which they can 'see themselves' in.

Telling lies is unethical, but to do so to save a life is certainly moral. For example, there are numerous examples of very ethical people who lied to the Nazi's in order to save the lives of Jews. Many professions are put in ethical dilemmas all the time, for example police officers. If their higher purpose is to save lives, then their action is moral even if sometimes the means is unethical. Many times those same police officers are willing to delude themselves into thinking the action is moral when it is not.

A dilemma arises when a group's 'morals' (i.e. ethics) are not in line with an individual's morals. Whether you choose to analyze such a dilemma from a psychiatric, physiological or sociological stance is a matter of personal preference. However, any act, belief, behavior, thought, etc. can be moral but unethical. That is, if you are personally bound to believing that a particular act is moral, it does not necessarily have to be ethical. Take any 'hot political topic', such as war, abortion or human rights, or if you prefer more personal acts/behaviors such as monogamy or suicide.

Essentially, any act that an individual chooses to pursue, but is frowned on by the social group serves as an example. The only pre-requisite is that the individual who performs the act believes it to be moral. Extreme examples; Hitler and Napoleon. They each (most likely) believed their respective actions were morally justified, but the world marginalized them as unethical leaders.

5. *Should circumstances be the sole criterion for judging the morality of human action or the nature of the action and its purpose must also be considered? Justify your stand with examples.*

Approach:

The answer should contain the following parts:

- Identify the elements of human action (nature/object, circumstances, and purpose) that are analyzed for judging the morality of human action.
- Further, explain that though circumstances are a criterion but they are not the sole criterion since the object, as well as, purpose of human action should also be considered in deciding the morality of human action.
- To justify your point, give examples/illustrations to show that circumstances can't make an action, whose object is bad, ethical.

Answer:

Some philosophers (teleologists or interpretivists) subscribe to the view that circumstances are the sole criterion for judging the morality of human action. Joseph Fletcher maintained that action becomes specific through circumstances. Without specificity ethical elements in action can't be examined. Circumstances make an abstract action to be specific based on time, place, agent, and manner. For example, to strike in self-defense is one thing and to strike without any provocation is another matter. Thus, circumstances decide the morality of human action.

However, there are two other elements to every action that decides the morality of human action - nature/object and purpose/end of human action- not just the circumstances.

An action whose object is bad by its very nature will remain bad and nothing can improve it- neither circumstances nor purpose. For example, a lie remains a lie despite the purpose or circumstances. Circumstances can only make it less bad but never good. Here another issue with circumstances as the sole criterion becomes apparent - that it makes morality subjective and relative (telling lie can be bad or less bad depending on circumstances).

Similarly, an action whose purpose/intention is bad is unethical and nothing can improve it- neither object nor circumstances. For example, giving donation to a poor helpless person is good because of its object and the circumstances but can be termed as unethical if you give donation with an intention to lure a homeless person into doing something evil.

Thus, circumstances are not the sole criterion rather object, circumstances, and purpose together decide the morality of human action.

6. *The legal framework in modern society has both anomalous and complementary relationship with its ethical framework. Discuss with examples.*

Approach:

The answer should contain the following part:

- A brief introduction discussing the relationship between law and ethics.
- How law and ethics complement each other, with the help of examples.

- When do both stand in contradiction to each other, again with the help of appropriate examples.
- The answer should also address why such a variation in relationship is seen in the modern society.

Answer:

The old adage “If it isn’t illegal, it must be ethical” is deeply flawed in the context of modern society. Ethics and law are as different as the unenforceable from the enforceable, and as complementary to each other in the ultimate aim of creating a citizenry, which does the ‘right’ thing when confronted with dilemmas.

Law are codified norms of the society, backed by the legitimacy of the state. It reflects areas of moral agreement so broad that the society comes together and says, “This ethical behaviour shall be mandated”. To a broad extent, when ethics collapses, the law rushes in to fill the void.

An example helps here. Earlier you didn’t throw litter on the road simply because “people don’t do those things”—because it was the “wrong” thing to do. Now you don’t toss litter because there are fines for doing so. What was once a second-domain issue of ethics has shifted to a first-domain issue of law. In such examples, legal framework and ethics play a complementary role.

But there’s another side to it too, when legal framework can possibly have an anomalous relationship with the ethical framework. A case in point is the “Ethics of civil disobedience”. The standard of civil disobedience urges that unjust laws be disobeyed. Mahatma Gandhi effectively used it in the 1920s against an unjust but lawful government. Later on, civil rights movement in the United States in 1960s and anti-apartheid movement in South Africa also were directed against unjust laws present in those times. Civil disobedience demands moral reasons to disobey the law.

Such an anomaly is striking in the modern society because of the growing acceptance of importance of delivering human rights to everyone, which many a times come in conflict with the prevailing conservative laws. Gay rights movement is a relevant example.

7. *"Morality is based neither on the principle of utility, nor on a law of nature, but on human reason. But human reason can be fallible." Comment. What does morality mean to you?*

Approach:

- Explain the statement giving examples where human reason cannot decisively judge between what is good or bad.
- Give definition of morality, explain what it means to you by giving examples.

Answer:

It is through reasoning and logical thinking that man has been able to separate unjust from just and ethical from unethical; not on the basis of utility or law of nature. Human actions are based on reason, which guides us what we ought to do. The source from where we derive our reasoning can be religion, law, internal beliefs and values, etc.

As such, human reason is conditioned by a number of factors, such as existing political and social order. This leads to an act being decided as immoral by some while moral by

others. For example, today, capital punishment is held as immoral by many countries and activists while there are many who reason for it as a retributive justice to some heinous crimes. Thus, depending upon the reasoning an act can be moral or immoral. We face number of dilemmas daily where reasoning creates conflict with the societal norms and ethics. Depending on new information, reasoning can thus change, making it fallible. Hence, it is true that morality if left to pure reason can be susceptible to fault.

Morality may be termed as principles concerning the distinction between right and wrong or good and bad behavior. It is a particular system of values and principles of conduct. Generally these principles are accepted by society at large, yet, they may be personal standards of an individual that he thinks are virtuous.

To me also, morality means taking a reasoned stand to differentiate good from bad. However, it should be open to new facts and alternate viewpoints which broaden the horizon of human reason. For example, speaking truth is considered moral universally. It may also be considered moral by an individual. However, for somebody who considers helping someone in need as greater moral principle may do so even if he needs to tell a lie for same.

8. *What are the various sources through which humans can judge the correctness of their actions? In the context of public life discuss how these sources are important in offering a clear and practical guidance.*

Approach:

- Discuss rules, regulations and conscience as sources by which humans can judge the correctness of their actions.
- Discuss their role in public life.
- Conclude by emphasizing the desirability of these sources in ethical decision making.

Answer:

Laws and conscience are the two sources of guidance by which human beings can judge the morality of their actions. These sources are particularly important to public administrators in offering a clear and practical guidance.

1) Law, rules and regulations

Laws have a moral connotation. It induces people to act or restrains them from acting and imposes an obligation. It must not only be just, but also burdens equally. Also, it is for common, not private good. Regulations often help clarify laws. Unlike laws, rules need not be for the common good and can be for the private good. For example, rules made within an organization for efficient utilization of resources etc.

2) Conscience

It is a person's moral sense of right and wrong, viewed as acting as a guide to one's behavior. Law states a general rule concerning actions; conscience lays down a practical rule for specific action. Conscience applies the law or rule to specific actions; therefore it is wider than law.

Importance in offering a clear and practical guidance

In considering right and wrong, public administrators have at their disposal information on the nature of the action performed or about to be performed, the circumstances surrounding the action and the purpose of the action. Laws, rules and regulations provide additional guidance to these.

Sometimes rules circumvent what the civil law clearly states. While a superior can punish a subordinate for violating such rules, if the rule is contrary to civil or natural law, the violator may have acted ethically. Hence, rules violating natural or civil laws should be avoided.

It is often recognized that rules and regulations alone are insufficient for public administrators. Without a conscience to apply those laws and rules to particular actions, public administrators miss a critical element. Conscience helps in applying the laws, rules and other criteria of morality to specific actions.

All public administrators have to make discretionary decisions where conscience plays an important role.

9. What do you understand by 'civic virtue' in public life? What are the challenges in practicing it in today's time? How can these challenges be overcome?

Approach:

- Define the civic virtue and discuss different dimensions of civic virtue.
- Discuss the challenges faced by public while practicing it.
- Also list some solutions.

Answer:

Civic virtue is morality or a standard of righteous behavior in relation to a citizen's involvement in a society. It is an underpinning of how a citizen relates to the society. As such, civic virtue has different notions in different societies. A liberal society makes minimum demands on its citizens, whereas a republican tradition demands that citizens be active, on the assumption that high levels of civic engagement is necessary to protect against government excesses or to create shared public goods. Conservatism emphasized family values and obedience to the father and the state. Nationalism carried by masses of people made patriotism an important civic virtue.

A citizen may exhibit it simply by voting, by paying taxes, volunteering for social cause, maintaining cleanliness, etc. Civic virtue lays stress on communitarianism rather than individualism. Robert Putnam has defined three civic virtues: active participation in public life, trustworthiness and reciprocity that is required through social connectedness.

Challenges in practicing

- Growing individualism due to changes in society and its organization. Most importantly, with conflict between traditional and modern values, the notions of civic virtues are changing leaving a void in its actual practice.
- Competition for limited resources, with everyone trying to extract maximum for self. In such an environment, people tend to forget their obligations towards society and commitment to values. For example, people evade taxes to save money for personal expenses.
- Lack of trust between public organizations and people and subordination of public interest over personal interest.
- Difficulties in bringing about changes in behaviour and attitude, which stand in the way of practicing desirable civic behaviour.

Solutions

- **Promote civic education:** School education is necessary for the upbringing of a child. But it is not sufficient to generate a sense of responsibility towards society. Hence we need to promote civility through value education.
- **Lead by Example:** Presently, people have cynical views regarding their leaders. The public justify their action by assuming that leaders preach the ideas but not follow them. So leaders need to be torchbearers. For example, many political leaders came forward and tried to set an example for the society to promote cleanliness in India.
- **Influential People:** People have blind following for actors, entrepreneurs, speakers etc. These people can easily generate sense of a responsibility towards the society. For example, the government makes use of actors to fight against the problem of open defecation and to encourage tax payments.
- **Awareness about rights and duties:** It is high time that people also give due importance to their duties. For instance, recently SC has held that if a person does not cast his vote, then he has no right to question the government.

10. *The lives of great leaders inspire us in many ways. Which leader has had a lasting impact on you and in what way? Mention one outstanding value that you have imbibed from him/her and its importance to being a civil servant.*

Approach:

- Describe which leader had a lasting impact on you and why.
- Mention the outstanding value of the leader that you have imbibed.
- Also explain the importance of those values in civil services.

Answer:

Dr. APJ Abdul Kalam is known to the world as the first scientist who went on to become the President of India. But he was so much more than the labels that can describe. **He inspired others to dream big, and led through example.** He did not limit his thinking only to individual growth but expanded it to his country, and the world.

Dr. APJ Abdul Kalam embraced his unique traits, and strengths. He dared us to think differently, innovate, and experiment. **He reminded us again and again, not be afraid of failures or what people think.** Because without failed experiments, there will not be new learning.

He displayed the qualities of devotion, dedication and determination towards his works. He had a vision of developed and progressive India and inspired us all around his vision. He had remarkable qualities of leadership. As a leader of his team, he used to be the first to accept failures but gives first credit to his team on success.

The most outstanding value of Dr. Kalam which had lasting impact on our minds is **His unparalleled humility came with deep compassion. Such quality should also be imbibed by the civil servants.**

He wanted each and every Indian to realize their full potential, and contribute to the well-being of the country and the world. He said - "Look at the sky. We are not alone. The whole universe is friendly to us and conspires only to give the best to those who dream and work."

Humility is important in civil servants. It means the quality of having a modest or low view of one's importance. A humble civil servant seek input from others to ensure they

have all the facts and are making decisions that are in the best interest of the different sections of society. It becomes more significant in Indian context where owing to colonial legacy and the miniscule proportion of its elite cadre, civil servants often display ivory tower mentality, supremacy, individualism and disdain for public participation in decision making.

A great way to show humility is accepting and admitting to past mistakes and using these mistakes as teachable moments for constituents. When institutions and leaders admit their mistakes, they make it acceptable for others to make their own mistakes and learn from them.

Each civil servant has to place the people at the center, be responsive to their needs, respectful of their wishes and accountable to them. This requires civil servants to be selfless in their contribution, inclusive in their decisions, humble in their behaviour and inspiring in their actions.

10. Vision IAS Test series: Case Studies

1. *You, a reporter currently working as an intern, accompanied a small group of reporters to a political event organized by the ruling party's state unit. The party was followed by dinner where you were also asked to join. Here, you noticed that alcohol was being served to some members of the ruling party. Consumption of alcohol had been declared illegal in the state a few months ago and the ban is being enforced strictly across the state. The other reporters in your group ignored the issue and asked you to ignore it as well. However, it was clear to you that the law was not being followed.*

(a) Identify the issues involved in this scenario.

(b) What are your duties in such a scenario?

(c) What course of action would you follow and why?

Approach:

- Discuss issues such as political apathy, insensitivity and lack of values.
- Highlight the duties as an ethical journalist and a responsible citizen.
- Discuss the action which you would take.

Answer:

a) Facts of the case:

I as a reporter have witnessed a clear violation of law regarding prohibition of alcohol by the same party who is in power and being asked to keep quiet about it by my colleagues.

The issues related to the party members involved include:

- Breach of the law banning alcohol consumption.
- Political apathy.
- Dishonest and inappropriate behaviour.
- Double standards while implementing the laws v/s following them in letter and spirit.
- Possible misuse of authority and influence to gain access to banned substance.

The issues related to reporters who turned a blind eye towards the incidence are:

- Breach of journalistic ethics.
- Indirect collusion with law breakers.
- Possible vested interests.

b) My duty as a journalist is to uphold the core values and cardinal principles of journalism - truth, accuracy, fairness, impartiality and accountability.

As a responsible citizen, it is my duty to abide by the law of the land and to help the authorities in its implementation. I should report any visible breach of law which may help the authorities to implement the rule of law in letter and spirit.

c) I have two alternatives, either to keep quiet or report the incident to concerned authority. By choosing the former I will not only be violating journalistic ethics, it also shows lack of courage and an attitude of indifference towards illegality.

- Thus, I will report the issue to the police as it is a blatant violation of the law. As a journalist I would collect relevant evidence (photograph/video etc.) which may be useful in reporting this issue and aiding the police in filing a case.
- The fact that other group members want me to ignore the issue may be due to fear or due to some vested interest. I would also try to convince the other members in my group to come forward and bring the law breakers to justice.
- I will use the journalistic platform and social media to bring the issue to the notice of the general public so that true picture of those involved may be brought to fore.

Reason behind the course of action:

Reporting the illegal consumption of banned substances will help the administration curb smuggling and in better implementation of the law. The **journalistic principles of truth and fairness** and **duty as a citizen** of not remaining merely a spectator after witnessing an illegal act but raising my voice against it will be upheld. Consumption of alcohol by party members shows a clear case of hypocrisy. Such hypocrisy must be checked to have a government with integrity.

- 2.** *Ramesh, a very hardworking person, is the sole bread earner in his family. He has worked with an oil company's local affiliate for several years, and has established a strong, trustworthy relationship with Suresh, manager of the local facility. Suresh has recently recommended Ramesh to be recruited as the corporate consulting engineer for the company, which would be a position of greater responsibility along with a stable income. During a casual conversation, Suresh mentions an incident in the 1960s wherein 10,000 gallons of a petrochemical was leaked into the local environment by the company due to negligence, though at the time no damage was found, and no mention of this leak was made to the press. When Ramesh mentions that the state law requires him to report all spills, Suresh reminds him that no harm had been done and reminds him that the company can't have a consulting engineer who does not value loyalty and respect confidentiality.*

(a) Identify the ethical issues involved in the given case.

(b) What are the options available to Ramesh in this situation? Evaluate each of them.

(c) Had you been at Ramesh's place, what would have been your course of action? Give reasons for the same.

Approach:

- Analyse the case and identify the key ethical issues involved.
- List the options available to Ramesh in a given situation and bring out the positives and negatives of each available option.
- Give the course of action and give arguments to justify your course of action.

Answer:

Involved Stake holders

- Ramesh, Suresh, the oil company, the government and the general public.

(a) Ethical Issue involved

1. Self-interest vs public interest

Provided that Ramesh is the only earning person in his family and his source of income is not stable; he is not in position to lose his job. But, if he considers his job, he is showing apathy towards public interest which lies in reporting the incident.

2. Moral values vs organisational ethics

Ramesh will be having the conflict between his belief in personal values and the organisational ethics. Even if, he follows any one of them he will be doing injustice with the other.

3. Negligence to state laws vs responsible citizen

Being a responsible citizen of the country, it is his duty to show respect for the public laws by reporting the issue. But, to save his job he will neglect the state laws.

(b) Options Available

1. Remain silent on the issue

Merits

- Since it happened long back and nobody was affected, it may be argued that raising the issue now would be pointless.
- Following the advice of Suresh would mean that Ramesh's relationship with him, both personal & professional, would not be affected.
- It may also pave the way for further promotions.

Demerits

- Such inaction shows lack of respect for state laws which require reporting all such incidents.
- Also such action may pave the way for future where such leaks are not reported.

2. Convince Suresh to report to the Government

Merits

- Reporting such incidents shows respect for state laws.
- Ramesh's personal relationship with Suresh will remain unaffected.
- It would lead to detailed investigation for assessing the impact of the leakage.

Demerits

- It may jeopardize the professional career of both Ramesh and Suresh.

3. Talk to his senior or director

Merits

- It will also give a chance to senior or director to take suitable actions to correct the earlier wrong happenings.
- It shows that Ramesh is trying to exhaust all available avenues where he can justify his own values and responsibilities as a citizen.

Demerits

- He may face resistance in the company against him as the company has not reported this incident till now.

4. To become whistle blower and reveal the incident

Merits

- He will ensure his actions towards abiding by the state laws as responsible citizen.
- He will be able to save environment and risks to people's lives, if there were any adverse effects later.

Demerits

- He may lose his job and destroy his relationship with Suresh permanently.

(c) Best Course of Action

Considering the gravity of the situation, I would have tried to convince the seniors for reporting the incident to the government which then can assess the damages done to the environment and public. This would also mean that wrongdoers would be punished for their actions. This will also set an example for others to work following the rule of law. However, it may mean that I might lose my job. At the same time, it must be noted that in such cases public interest is more important which cannot be compromised at any cost.

3. *Regulation and procedure of human clinical trials vary from nation to nation. Stem cell research, as an emerging biomedical field, requires approval for human trials and encounters multiple challenges. You are the head of a team of scientists who developed a new Tissue Engineering system, which appears to be a promising means of regenerating heart tissue. Trials of the system have already been conducted on animals and yielded good results. Millions of people suffering from critical heart diseases would benefit immensely if this medication is immediately made available to them. However, you need to conduct human clinical trials before it could be commercialized. It is also known that the stringent regulatory environment in the country will mean that human trials and final approval will take many years before it is made commercially available. On the other hand, regulation of clinical trials in many poor countries is weak and quick approval is possible. Many of your competitors also resort to human trials in these countries, often bribing the officials for getting quick approvals. Given this situation, answer the following questions:*
- (a) *Identify the ethical issues which arise during clinical trials.*
- (b) *Given the above situation, would you prefer to shift human trials to a third country where regulations are lax? Give reasons in support of your choice.*
- (c) *Suggest a framework of standard procedure to minimize ethical conflicts and speed-up the approval process of new medicines.* 2017-14-873

Approach:

- Give a brief introduction about human clinical trials and identify the ethical issues in clinical trials.
- Discuss the merits and demerits of shifting lab location and state your final stand on shifting the lab from the home country.
- Give a framework of standard procedure to minimise ethical conflicts and speed-up the approval process of new medicines.

Answer:

Case Summary: I am the head of a team, which developed a new system which will help people suffering from heart diseases. Before being made available commercially, it has to undergo clinical trials on humans, for which strict regulations have to be

adhered. Alternatively, weak regulation in poor countries will result in quick human trials and approval there and many competitors are doing the same including use of bribes.

(a) Clinical trials are the tests on human volunteers to see whether new medical treatments should be approved for wider use in the general population. Various ethical issues associated are:

- **Moral duty** to perform honest clinical trials for welfare of a large population.
- Humanity is an end in itself (Gandhiji). Using people from the bottom strata of society for undertaking considerable risks in lieu of minor payments degrades humanity. The end result may improve general population's health, but the costs in form of exploitation, which may even cause death is wrong.
- Ethical concerns regarding **informed consent** in poor countries.
- Medicine is governed by certain ethos, which includes that first consideration of physician should be health and life of patient. She should not do anything, which impairs patient's health. Clinical trials may weaken the normative foundations of doctor-patient relationship in the long run.

(b) In the current case, the scientists have developed a new technology to regenerate heart tissues, which will provide new lives to millions of people who are suffering from critical heart disease. However, fewer regulations and corrupt governance in poor and developing countries pull scientists to open their labs and conduct trials in these countries. The merits and demerits of such practice are as follows:

Merits

- The costs are lower in poor countries. So, the developed medical treatment would be cheaper. For example, clinical trials in India could cost one-tenth of that in US.
- Availability of "**treatment-naive**" patients i.e. drug-free bodies in third world countries. They are much less likely to have been previously exposed to drugs or trials.
- The developing countries get benefits of advanced medical science and access to the latest medications.
- The process of clinical trials is quicker in developing countries because getting regulatory approvals is easier. It shortens the development time of medical treatments.
- It would make this cure quickly available to people suffering from critical heart diseases.

Demerits

- **Consent:** Most of the time, people in poor countries give their consent without understanding the contracts as they are written in foreign languages, without understanding the risks.
- **Economic Compulsion:** Sometimes poverty is responsible for the poor selling their body for clinical trials. The blind faith for western medicine also plays a role in their decision-making.
- **Poor healthcare system:** The risks are too high in clinical trials. However, poor healthcare system in the third world increases their vulnerability in cases of complications and side effects arising out of experiments on their bodies.
- The reliability of data obtained in third world countries is also questionable because of lax monitoring.
- Fewer regulatory safeguards, high levels of poverty and illiteracy encourage misconducts and substandard approach by foreign drugs companies.

- Bypassing professional ethics and an established procedure raises doubts on integrity. Competition may tempt to opt for unfair means like bribes to get approval.

As can be seen, there are a number of advantages of shifting the trials to countries where costs are cheaper and regulations less stringent. However, laxity in procedures should not be the motive for shifting trials. It would save lives of millions of people and improve accessibility of cure through cheaper cost. So, it is prudent to shift laboratory to country with easier regulations.

However, I will use the same safeguards and precautions which are used in developed countries, encompassing every aspect from informed consent, side-effects' treatment, compensation in cases of errors, etc. I would make sure that no illegal practice is done and ensure strict action for any breach.

Thus, I would be able to ensure greater benefits to people at large without compromising with the safety and well being of people who have put trust in me.

(b) Framework of standard procedure

- **Social Value:** Study should help researchers determine how to improve people's health or well-being.
- **Scientific Validity:** Research should be expected to produce useful results and increase knowledge. Researchers should design their experiments to be as good as possible.
- **Fair Subject selection:** Researchers should be fair in both recruiting and deciding which people can be in the study.
- **Favourable risk benefit ratio:** For research to be ethical, any risks must be balanced by the benefits to subjects, and/or the important new knowledge society will gain.
- **Independent review:** Researchers sometimes overlook ways they could improve their research results. To avoid such problems, a group of people who are not connected to the research are required to give it an independent review
- **Informed Consent:** Subjects must be told about the details of the study. They should voluntarily agree to participate and give informed consent.
- **Respect for subjects:** Regular health monitoring along with maintaining confidentiality of information would impart trust.
- **Data Sharing:** Data from past researches should be made available to others. It would exclude the need for new trials for similar drugs thus speeding the process of drug approval. This clause must be ensured in WTO negotiations on data exclusivity.

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ATTITUDE

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A Brief Guide to Material

This material covers in detail the topic of Attitude- its meaning, structure, function, types, formation, change and relation with behaviour. Students will be well advised to look at the previous years' questions given at the end of this document to better understand the requirement of the exam. The topics, although covered in detail, are not asked in the exam from a theoretical perspective. As such, we have tried to complement the theoretical content with as many contemporary examples throughout the document. Students will benefit the most when they incorporate this theoretical knowledge and use it in examples while writing their answers. The purpose is, thus, to understand the topic in its practical sense rather than merely memorising the details which will be of little use in the exam.

Happy understanding!

1. Attitude

1.1. Meaning of Attitude

Oxford dictionary defines attitude as '*A settled way of thinking or feeling about something*'. The Cambridge dictionary defines it as '*a feeling or opinion about something or someone, or a way of behaving that is caused by this*'. Still, it is difficult to arrive at a single widely acceptable definition of attitude. This is mainly because attitudes are abstract constructs, not something we can directly observe. We are only able to infer them from behaviour. Another difficulty is that the word 'attitude' is used in diverse ways.

Attitude is the learned and **enduring predisposition** to behave, either favourably or unfavourably, towards something. This something can be an event, a person, an object or classes of such events, persons, or objects, respectively.

***Note:** Most contemporary perspectives on attitudes also permit that people can also be conflicted or ambivalent toward an object by simultaneously holding both positive and negative attitudes toward the same object. This means that although enduring, there is no guarantee that attitude will be the same for similar objects or events. Many times people have ambivalent or even conflicting views towards an object. This is the major reason why people behave inconsistently. For someone who likes chocolates, he may at times eat them to satisfy the craving and at other times choose not to eat for health concerns. Most of the times there is an inconsistent behaviour, because the attitude itself is ambivalent.

Attitude is important because it shapes people's perceptions of the social and physical world and influence overt behaviour. For example, attitude influences friendship and animosity towards others, giving and receiving help, hiring of ethnic minority job candidates, etc. More dramatically, attitudes are at the heart of many violent attacks, including crimes against humanity.

Attitudes change with experiences and knowledge as man is a 'rational' animal. The concept of rational choice is based on a mind open to new ideas, fairness and justice. A rigid and inflexible attitude betrays weakness and not strength of character. A rigid or dogmatic attitude is not the same as a strong attitude. A strong attitude may have been formed with knowledge and experience and be grounded in rationality, hitherto oblivious to others.

Difference between Belief and Attitude

Consider these two questions:

- **Do you think that death penalty is an effective warning?**
- **How do you feel about death penalty?**

While, the first question assesses your beliefs about the death penalty; the second question assesses your attitude towards death penalty.

A **belief** is a **conclusion regarding factual evidence**, whereas an **attitude** is a **belief that includes an emotional component as well**. Attitudes reflect our feelings towards an issue or person.

1.2. Structure of Attitude

1.2.1. The ABC Model

The classic view is that an attitude contains three components: cognitive, affective, and behavioural. It is the most influential model of attitude (also called ABC model of attitude). According to it, an attitude has the following three components:

- **Cognitive component (C component):** It refers to the beliefs, thoughts, and attributes that we would associate with an object. Many times a person's attitude might be based on the negative and positive **attributes they associate** with an object. In other words, this component includes the belief part of attitude. For example, the belief that members of X community have Y kind of features.
- **Affective (or Affection) component (A component):** It refers to feelings or emotions linked to an attitude object, i.e. the positive or negative feelings towards the object for which we are holding our attitude. Affective responses influence attitudes in a number of ways. For example, many people are afraid/scared of spiders. So this negative affective response is likely to cause one to have a negative attitude towards spiders.
- **Behavioural component (B component):** It refers to the past behaviours or experiences regarding an attitude object. It is *the tendency to behave* in a certain way (behavioural intentions) towards the attitude object. For example, if we do not like a person, then we are likely to ignore him in a gathering. This helps people infer attitudes from the previous actions of the attitude holder.

Although commonly used, this model is not validated by empirical research. Clear distinctions between thoughts, emotions, and behavioral intentions associated with a particular attitude cannot be established. A criticism of this ABC view of attitudes is that it requires cognitive, affective, and behavioral associations of an attitude to be consistent, but this may be implausible. For example, despite having negative attitude towards people from some caste, our behaviour is mostly driven by the situation. Still it cannot be denied at all that attitude has a structure, even if it may not be coherent. It reflects something more than just negative and positive evaluation of a particular object. Thus, this ABC structure of attitude acts as a good basic model to understand attitude. Importantly, it helps to identify the source from where attitude is originating. This will be helpful in persuading someone to change attitude towards something.

1.2.2. Mode Model

This is the theory of attitude evaluation (**Motivation and Opportunity as Determinants** of the attitude - behavior relation). When both motivation and opportunity are present, behavior will be deliberate. When one of them is absent, impact on behavior will be spontaneous. Hence this model talks about two different types of attitude:

- **Explicit:** Explicit attitude is at the conscious level- those that are deliberately formed and easy to self-report.
- **Implicit:** Implicit attitudes are at an unconscious level- those that are involuntarily formed and are typically unknown to us. Implicit attitudes are generally unacknowledged or are

outside one's awareness. They are generally measured by a spontaneous reaction towards something.

Both explicit and implicit attitudes can shape individual's behaviour. Implicit attitudes however, are most likely to affect behaviour when an individual feels stressed or distracted and chances for an impulsive reaction are more.

1.3. Functions of Attitude

Attitudes serve various functions for the individual. These are broadly classified as:

1.3.1. Knowledge Function (Understanding Function)

This is closely associated with inquisitiveness, a highly desirable trait in a civil servant. Attitude helps us understand the world and provide meaning (knowledge) for life, i.e. it helps in organizing and interpreting new information. We see the world from our socio-cultural and moral perspective so that our knowledge of it is consistent and relatively stable. This does not necessarily mean that attitudes help us gather factually correct knowledge. Rather it only means that our world view is consistent with our belief system.

We gather knowledge in which we have more interest, i.e. in fields where we have a predisposition. For example, supporter of a political party and ideology will gather more and more information supporting his already held beliefs. A person with inclination towards history may like to read many accounts of the same historical event. We hold various types of prejudice towards people, things, or events. So when we come across the attitude 'object', we tend to make our opinion towards those objects in certain specific way, although there is no guarantee that such opinion is appropriate.

Such attitudes can be changed by providing correct knowledge in an environment conducive to progress. For example, the belief that women are bad drivers, leads us to have specific feelings of prejudice towards them, which in turn affect our behaviour when we see them driving. This attitude can be changed by changing the belief by providing evidence contrary to the belief held and with application of reason.

1.3.2. Utilitarian Function (Adaptive Function)

Some attitudes enable people to attain particular, desired goals or avoid undesirable circumstances. Being a Utilitarian means one tries to maximise utility and minimise the harm for maximum number of people, i.e. a decision is good if it adheres to the maxim of greatest good for greatest number of people. Utilitarian function of attitude predisposes a person towards an object/thing/person in such a way that one will form an attitude for that thing based on its utility. This attitude serves the utilitarian goal of maximizing reward and minimizing punishment. For instance, the attitude of consumers depends to a large extent on their **perceptions** (and not actual evaluation) of what is going to meet the requirement and what will not. Their past experiences, which help formation of attitude help in determining the utility which they will derive.

For example, the attitude of fear has been developed and is used to prolong survival. People fear doing tasks which involve considerable risk of life. Attitudes towards such things are formed because of subconscious evaluation as well experiences which predispose us negatively towards such things.

Utilitarian attitudes can be changed if a person can be shown new uses or new harms which may accrue from an object/person/thing, etc.

1.3.3. Ego Defensive

Some attitudes can help people protect their self-esteem. People use certain defense mechanisms to lessen the burden or protect themselves from psychological harm. When we suffer frustration or misfortune, we may be in its denial or may try to rationalize the loss. This is the ego-defensive function of attitude. This is apparent when a person feels that a particular attitude might either enforce or compromise their self-image. For example, an old but healthy individual might refuse physical assistance. Attitudes of this kind serve to protect the person from psychological distress or help promote self-esteem. For this to be done, psychologically damaging events or information, are recast in less damaging or threatening ways. This inevitably may involve a degree of bias or distortion in the way the world is interpreted, but people will readily do this in order to preserve a particular (usually favourable) view of themselves or the world.

This is accomplished by attributing external factors for negative outcomes and internal factors for positive ones. Take the example of failing to qualify an examination. Rather than showing negative attitudes towards our effort, we attribute negatively the extraordinarily tough standard of the examination or evaluation criteria for not clearing the examination.

Since, this attitude saves the self-esteem therefore it is most difficult to change this attitude. However, this attitude can be changed if the attitude holder can be convinced that the attitudinal change proposed would more appropriately guard the self-esteem.

1.3.4. Value Expressive (Ego Expressive)

While Ego defensive attitudes are formed to protect a person's self-image, value expressive attitudes enable the expression of the person's centrally held values. The attitude is, consequently, 'part of who they are' and the expression of that attitude communicates important things about that person to others. Central values tend to establish our identity and gain us social approval thereby showing us who we are, and what we stand for.

For instance, consumers adopt certain attitudes in an effort to translate their values into something more tangible and easily expressed. Thus, a conservative person might develop an unfavourable attitude towards bright clothing and instead be attracted towards dark, sober suits.

As an example, the "ego-defensive" function might be used to influence the racially prejudiced attitude of someone who, paradoxically, sees oneself as open-minded and tolerant. By appealing to that individual's self-image of themselves as tolerant and open-minded, it may be possible to change their prejudicial attitudes to be more consistent with their self-concept. Similarly, even a persuasive message which hurts self-image is much more likely to be rejected.

Explanation of functions with an example:

The virtue of patriotism is more expressed in some people than other. People do evaluate their homeland favourably, some more-so than others. Suppose one such group of like-minded friends have a discussion in which someone says, "Of course there's no other country as good as India. Other places are alright in their own way but they can't compare with our mother country."

Utilitarian function: There are nods of approval all round. All people feel better with this view of yours.

Value expressive function: The people in the group are wearing Indian cricket team jerseys.

Knowledge Function: Someone talks about the rich history and culture that makes us unique, someone else talks about the growing stature of India in the world. This helps in gathering knowledge. Since this knowledge fits-in well with our attitude, we readily accept it.

Ego-defensive function: Someone attributes increasing crimes against women to 'westernisation' of the society. Someone else blames it on immigrants from neighbouring countries. Apart from ourselves, we tend to put the blame on everyone else and keep our self-esteem intact.

1.4. Types of Attitude

When we talk of attitude, it is broadly in two manners- 'attitude of' and 'attitude towards'. Attitude of is the attitude of the subject in question- individual, society, institution, organisation, etc. Attitude towards is the subject's attitude towards any object- a person, thing, institution, environment, etc. Hence, there can be many combinations of such types of attitudes. For e.g.:

- Civil Services as an institution may have **democratic or bureaucratic attitude**. Democratic attitude is characterised by focus on goals/ends and treating citizens as stakeholders in the governance process. Bureaucratic attitude is characterised by focus on rules and processes rather than goals (because elaborate and multiple rules make achievement of goals difficult, if not impossible). Also, it is based on strict adherence to rules and hierarchy of the institution. As such, it treats citizens as recipients of government services rather than as stakeholders.
- Environmental attitude is attitude towards environment- of people, of government, of institutions, of businesses, etc.
- Corporate attitude is the general attitude of businesses in a country. It is characterised by the value system of the company. They can have a friendly attitude towards clients or customers and a preservation attitude towards the environment.
- Political attitude- refer below.

As can be seen, attitude itself is broadly of three types: Positive, Negative and Neutral. These are detailed below.

1.4.1. Positive Attitude

It refers to optimistic frame of mind. According to many studies, people with this type attitude are happier in life and are also more successful than those who don't have. A positive attitude helps you cope more easily with the daily affairs of life.

Positive attitude manifests in the following ways:

- Positive and constructive thinking.
- This frame of mind is conducive to creative thinking – it encourages to take calculated risks, necessary for innovation.
- Motivation and energy to do things and accomplish goals.
- An attitude of happiness.

A positive frame of mind can help you in many ways, such as:

- Expecting success and feeling inspired.
- It gives the strength not to give up on encountering obstacles- a key trait of **fortitude**
- Looking at failure and problems as blessings in disguise.
- Believing in oneself and in one's abilities and enables to show self-esteem and confidence.
- Looking for solutions, instead of dwelling only on the problems.
- Seeing and recognising opportunities.

Thus, the positive attitude leads to happiness and success. The most important trait of people with positive attitude is the **confidence they have in their abilities** as well as fate. These people are generally **sincere, determined and happy, looking at the brighter side** of life. This positively affects not only the person and the way he/she looks at the world, but it also affects their

environment and the people around. This kind of attitude is all the more important for a civil servant, because they have to work in a difficult environment where efforts always do not result in success.

1.4.2. Negative Attitude: A thing to be Protected Against

It is almost reverse of positive attitude, because it brings pessimism. This type of attitude breeds a paranoid kind of behaviour where everywhere we see negativity.

Negative attitude manifests in the following ways:

- Negative and destructive thinking and hampers creative thinking.
- It kills motivation and energy to do things, take risks and accomplish goals.
- A person wielding this attitude remains sad and unhappy.

A negative frame of mind is harmful in many ways, such as:

- Always expecting failure. As a result, the person doesn't give his full efforts to achieve some goal.
- De-motivating for the attitude holder.
- It persuades the person to give up rather than persevere on encountering obstacles.
- It breeds self-criticism and paranoia.
- It lowers self-esteem and confidence.
- Because of this the attitude holder only focuses on the problem, rather than looking for solution.
- Since it breeds pessimism therefore it virtually removes opportunities.

Thus, negative attitude leads to pessimism and failure, which can adversely affect one's life. It affects the overall environment around a person and his/her relations at work or at home. A person with negative attitude is generally characterised by anger, doubt and frustration. This kind of attitude is all the more harmful for a civil servant, because they have to work in a difficult environment with various pulls and pressures.

1.4.3. Neutral Attitude

Neutral here does not mean impartial or unbiased. It simply means detached. One can have a neutral attitude towards something i.e. not give it enough importance- both positively or negatively. Having a neutral attitude in general means having personality traits such as being indifferent or unemotional. However, one cannot always be ignorant or indifferent; not taking a decision cannot be continued indefinitely. Some of the manifestations of a neutral attitude are:

- Ignorance: someone might have a neutral attitude towards political issues. Whatever the general societal or political problem be, they are content that it is not theirs' to solve.
- Indifference
- Detachment
- Unemotional
- Balanced (a positive trait)

2. Some Other Specific Types of Attitudes

2.1. Attitude Towards Weaker Sections

A man's character is most evident by how he treats those who are not in a position either to retaliate or reciprocate. The way we treat people who are disadvantaged, poor or marginalised is determined by the attitude we have towards poverty, deprivation, discrimination and other factors that perpetuate such conditions. A positive attitude towards such factors, counter-intuitively, implies empathy and caring nature of the person. It signifies compassion towards

weaker and marginalised sections. This attitude is utmost desirable for public servants because of the immense powers they exercise for the inclusion or exclusion of the marginalised.

Sarvodaya

Sarvodaya is a term meaning 'Universal Uplift' or 'Progress of All'. The term was first coined by Mohandas Gandhi as the title of his 1908 translation of John Ruskin's tract on political economy, "Unto This Last", and Gandhi came to use the term for the ideal of his own political philosophy. Later Gandhian, like the Indian nonviolence activist Vinoba Bhave, embraced the term as a name for the social movement in post-independence India which strove to ensure that self-determination and equality reached all strata of India society.

Gandhi advances the concept of Sarvodaya, which was based on three basic principles:

- That the good of the individual is contained in the good of all.
- That a lawyer's work has the same value as the barber's in as much as all have the same right of earning their livelihood from their work.
- That is a life of labour, i.e., the life of the tiller of the soil and the handicraftsman is the life worth living.

Principles of the Sarvodaya

- There is no centralized authority, and there is political and economic atmosphere in the villages.
- Politics will not be the instrument of power but an agency of service and *Rajniya* will yield place to *Lokniya*.
- All people will be imbued with the spirit of love, fraternity, truth, non-violence and self-sacrifices. Society will function on the basis on the non-violence.
- There will be no party system and majority rule and society will be free from the evil of the tyranny of the majority.
- The sarvodaya society is socialist in the true sense of the term. All calling will be the same moral, social and economic values. The individual personality has the fullest scope for development.
- The sarvodaya society is based on equality and liberty. There is no room in it for unwholesome some competition, exploitation and class hatred.
- Sarvodaya stands for the progress of the all. All individual should do individual labour and follow the ideal of non-possession. Then it will be possible to realize the goal of: from each according to his work and to each according to his needs.
- There will be no private property, the instrument of exploitation and the source of social distinctions and hatred. Similarly, the profit motive will disappear, rent and interest to will go.
- The Sarvodaya Movement is based on Truth, Non-violence and Self-denial.
- The Sarvodaya Movement makes a sincere and bold attempt to create the necessary atmosphere to bring together such individuals with an unwavering faith in the Welfare of All
- The gain to the individual would be small. The development of each quality depends upon every other. If all the qualities are improved a little, then the individual would gain more.

A civil servant is duty bound to enforce laws and implement policies, rules and regulations in a manner which is not only 'just and fair' but also seen to be so by maintaining transparency and acting without fear and favour. This should be done in the true spirit of 'rule of law' on which rests the democratic polity. He must be aware of the fundamental rights of the citizens enshrined in the constitution and develop a proactive attitude of empathy to promote all round

upliftment and development of the weaker and downtrodden in the true spirit of 'Sarvodaya through Antyodaya'.

Tolerance and compassion make a civil servant to lead with not only head but also heart. They are the fundamental components of one's character and of a positive relationship which will be essential to meet the needs of weaker sections (who are most dependent on public services). For example, if a grievance redressal meeting was to be held for the differently abled in a collectorate, an officer who has an empathetic attitude will ensure that proper arrangements are made for accessibility such as having a ramp/elevator, etc. Otherwise, there is no purpose of having such a meeting. Lack of this essential understanding, that develops through a positive attitude towards the weaker and marginalised sections leads to inefficient and exclusionary public administration and service delivery, which may ultimately lead to chaos and collapse.

2.2. Moral Attitude

Attitude, as defined earlier, is the **enduring predisposition** to behave, either favourably or unfavourably, towards something. However, not every attitude is concerned with questions or situations involving morality. For e.g. a person's liking or disliking towards apples or oranges has no question of morality involved. But one may have moral considerations as far as being a vegetarian or a non-vegetarian is concerned. Similarly, a person may have a favourable attitude towards, say, transacting in cash rather than electronically. There is nothing moral or immoral about it. However, if his motive to transact in cash arises from his desire to hide his income from the government, then it has moral connotation. Similarly, attitude towards democracy or say towards weaker sections will have moral undertones.

Moral attitudes can, thus, be defined as those which are based on moral convictions of what is "right" and what is "wrong". It implies one's reasoning about morality, his attitude toward moral lapses (both on his part and by others too), and his behaviour when faced with moral issues. Family, society, religion and education play important role in framing those moral convictions.

How are moral attitudes shaped? The determinants of the attitude are the same- Cognitive, emotional (affective) and behavioural:

- **Cognitive:** knowledge of ethical rules and judgments of what is good and what is bad.
- **Behavioural:** the person's actual behaviour, his response to situations involving ethical considerations.
- **Emotional:** it involves the person's feelings and conduct in reaction to situations that need moral and ethical decisions.

Moral attitudes are strongly influenced by the society and culture. Religious beliefs, traditions, folklore, myths, legends – all have an implicit messaging in them- about what is good and what is bad. As such, they shape moral attitudes of people.

As such, moral attitudes vary over time and space. Similarly, they can also vary with gender. Men, for example, may have a less negative attitude towards bribery than women. Similarly, women may have more open attitude towards freedom to wear clothes of choice.

*Kindly Note: Another interpretation of the term 'moral attitude' is one where we associate value with the term 'moral'. Here 'moral attitude' means attitude of a person which is considered as moral or good or acceptable. Since morality is at a personal level, there are some inherent qualities in a person that determine whether he/she is a moral being or not. There are four qualities that are generally associated with having a moral attitude:

1. **Reverence:** It means deep respect. Having respect for others, their opinions and behaviour is considered as a hallmark of a moral person.
2. **Faithfulness:** It means remaining loyal and upholding trust that someone poses in a person.

3. **Veracity or truthfulness:** Being truthful and honest is another quality associated with being moral.
4. **Goodness:** It is a broadly encompassing character of a person consisting of qualities like generosity, love, care, empathy, etc.

Significance or impacts of moral attitudes

Human beings have a desire to be right and a desire to be liked. As such, attitudes towards moral issues tend to be strong and are also expressed strongly. For example, a person may have a very strongly negative attitude towards dishonesty or telling lies, so much so that he/she is ready to risk personal relations for sake of being truthful.

Moral attitudes can be both facilitative and prohibitive. They facilitate actions such as helping someone in need (altruism), social service, etc. Also, actions that are considered immoral are discouraged such as adultery, stalking, cheating, etc. As attitudes are closely linked to a person's behaviour, moral attitudes help in facilitation of moral behaviour as they help in arriving at morally correct decisions.

2.3. Political Attitude

Political attitude is the predisposition or liking/disliking towards a political issue. The way in which we define an issue to be political can be diverse.

- 1) In a simpler sense, political attitude refers to attitude of people towards the political system, parties or their ideology. A person may identify himself to be conservative, liberal, centrist, or so on. Similarly, a political party may identify itself as such. However, these attitudes are too vague to be analysed. Having a positive or negative attitude towards, say presidential system or parliamentary system or dictatorship is too broad a category, and thus vague.
- 2) In a wider sense, political attitude means attitude towards specific issues of public life. It is better to delineate attitudes towards specific issues such as economy, employment, women, inequality, caste system, voting pattern, etc. rather than combining them into one broad category. For example, a person associating himself/herself with a so called conservative party may well have a tolerant attitude towards people of differing ideology. In fact, political parties, especially in India, cannot be compartmentalised into right or left based on western construct. No political party in India can take the position which is, even perceptibly, anti-farmer or anti-labour. Hence, it is better to study political attitudes with regards to specific issues rather than broad categories.

It is political attitudes that determine how people participate in the political process, whom they vote for, and what political parties they support. Many factors including - **family, religion, caste, ethnicity, and region – all contribute to the political attitudes and behaviour.**

It has been argued that the development of political judgment represents a part of moral development and that political and moral education is largely identical, especially when seen from wider perspective. From this perspective, political culture determines the system of values in the society. Whereas, from narrow connotation, political culture is a subjective psychological phenomenon that appears in the process of interaction between individuals and the political system.

2.4. Political Attitude and Agents of Socialization

Specific groups that carry out socialization are called agents of socialization. Our society relies on four major agents of socialization: family, media, school, and peers. Agents of socialization represent society and act on its behalf. Although socialization can occur outside of the realms of these agents, society relies on them to do most of the socialization. Totalitarian regimes may

attempt to establish official agents of socialization to promote their political agenda. Thus, regardless of whether agents of socialization function in democratic, totalitarian, or other political and economic system, each agent plays a role in moulding personality of the individual.

Aristotle's Idea of State: " A political society exists for the sake of noble actions".

It is the highest kind of community and aims at the highest good . It is an organism that has evolved from the institutions of family and the village community. He who founded the state, says Aristotle, was the greatest of benefactors; for without law man is the worst of animals. The end [purpose] of the state is good life. The relationship between ethics and politics is built within a mutually supportive framework of the state.

For Aristotle, a political society or state is not merely an aggregate of individuals; rather it is a largely self-sufficient community arising because of the bare necessities of life and continuing for the sake of a good life, common to all its members. In so far as the state is a proper extension of simpler social relationships, such as the family, for the purpose of providing necessities and achieving a good life, it is a natural, not an artificial, entity; and in so far as individual persons are not entirely self-sufficient in themselves, human beings are by nature political animals.

To achieve the good life or happiness or a life in accordance with virtue, individuals need the support of the state. Hence, for Aristotle, there is no necessary antagonism between the individual and the state. Antagonism only arises when the state is organized to serve private interests rather than the common interest. Indeed, the distinction between common and private interests separates true forms of government from perverted ones.

** In theory, Aristotle prefers monarchy and aristocracy as the best forms of government since the best persons possess the ruling power; in practice however, he recommends polity as being most appropriate to most states. The attractiveness of a polity consists in its preserving key features of aristocracy while also achieving greater harmony by allowing participation in government by greater numbers of people, for example, by allowing them to vote for officeholders or to serve on juries. Since an average person lacks the wisdom and virtue of a truly aristocratic person, comparatively speaking, Aristotle has much less confidence in the judgment of the average person; accordingly, he wants to reserve the highest political offices for superior persons. He has, however, much greater confidence in the collective judgment of a large number of average persons—which provides the justification for the compromise that constitutes a polity.

In his book, *Politics*, Aristotle believed man was a "political animal" because he is a social creature with the power of speech and moral reasoning: "Hence it is evident that the state is a creation of nature, and that man is by nature a political animal. And he who by nature and not by mere accident is without a state, is either above humanity, or below it; he is the 'Tribeless, lawless, hearthless one,'...denounced as—the outcast who is a lover of war; he may be compared to a bird which flies alone."

Aristotle's statement that man is a "political animal" can be taken in a number of ways. One reading is to say that man is naturally sociable and that they are naturally drawn to various political associations in order to satisfy their social needs. Another reading, which sees the word "political" in a less charitable light, might state that, since politics is based upon violence and threats of violence, the phrase emphasises the "animal" side of human nature rather than its rational and cooperative side. Those who turn their back on the violence inherent in politics, in Aristotle's view, also turn their back on society - they declare themselves to be outlaws, without a "tribe", and without a heart.

3. Attitude Formation

Attitude is learned, formed, can be changed, and be reformed. Learning can account for most of the attitudes we hold. The study of attitude formation is the study of how people form evaluations of persons, places, things, objects, matters and issues. Unlike personality, attitudes are expected to change as a function of experience. In addition, exposure to the 'attitude' objects may have an effect on how a person forms his or her attitude. This concept was seen as the "Mere-Exposure Effect".

According to some experts, people are more likely to have a positive attitude on 'attitude objects' when they were exposed to it frequently than if they were not. Mere repeated exposure of the individual to a stimulus is a sufficient condition for the enhancement of his attitude toward it. Some of the ways in which attitude is formed are:

Classical conditioning: If we witness same input over a long period of time then we become habituated to that input in certain specific ways.

Instrumental conditioning: We may also develop certain attitude depending on the system of reward or punishment. Consistently rewarding someone showing respect towards the elders versus punishing him/her whenever they show disrespect will be instrumental in developing a positive attitude of respect.

Social learning: We also observe other people performing some actions and by observation, we learn their conduct. It depends on many things:

- Likeability of the observed person - For example, if we positively identify with someone then we are likely to adopt his attitude (fan following, etc.).
- The system of reward or punishment faced by the observed person. For example, seeing someone get punished for violating traffic rules, we are likely to develop a negative attitude for violation, i.e. a positive attitude for following them. Else, if someone is rewarded for crime (such as a criminal getting elected), then we are likely to develop the attitude held by such a person. For example, if someone cracks the civil services examination by reading a book 'X', then an aspirant will likely develop positive attitude towards that book. On the other hand, the maxim of 'nothing is illegal until you get caught' is one of the major factors why people do not follow lawful instructions given to them and break the rules with impunity.

Attitude formation or learning is a lifelong process, as it is based on experiences we gather or the lessons we learn from people around us. These people are the agencies of attitude formation. These agencies include:

- **Family:** From family we learn important lessons of our life. Family is also instrumental in imparting and developing values, which are nothing but generalized attitudes. For example, we learn discipline and build foundation of time management, a crucial aspect of attitude from home.
- **Peer Group:** It comprises our friends and persons of our age group. These people are important in inculcating the values competition, etc. Peers are important in delineating the path of career development. Moreover, we develop attitude consistent with those held by our friends for adaptation in the group.
- **School or education institutions:** These are important agencies for inculcation of attitude of excellence, competition, punctuality, and overall attitude towards life.
- **Role models:** These are those persons whom we like and identify positively. Different persons have different role models, like one person may have his father as his role model, for some it may be someone prominent in the liked field, etc. We try to imitate our role models, along with their attitudes. Please note that being an expert in a field is not

necessarily a sufficient condition for being a role model. A role model is someone who is able to inspire by his/her actions. The people who are prominent in the field, who have mass liking are generally those who are considered as role models. Take for example Stephen Hawking- he was not only an expert in Physics but also someone who has inspired millions to take interest in the subject through his books, lectures and life in general.

4. Attitude Change

It refers to the process of modifying the undesirable attitude into a desired one. Here it must be clear that desirable and undesirable are not value judgements about right or wrong. Desirable for someone is good for them but may be considered bad by others. Attitudinal change means changing someone else's perception of what is right or wrong according to our will. For example, Person X likes Windows operating system in laptop more than Linux. Person Y wants to change the attitude of X because Y himself prefers Linux. This does not say anything about Linux being better than Windows (i.e. a value judgement). This is only a desire of Y. For him preference to Windows is undesirable, and therefore he desires to change the attitude of X to his own liking. Since attitudes are learned, they can be unlearned, relearned or changed too. Attitudes can be changed through **persuasion** or **social influence**.

4.1. Persuasion

It means the action or process of persuading someone or of being persuaded to do or believe something. **Persuasion** is an umbrella term of influence, which can influence a person's beliefs, attitudes, intentions, motivations, or behaviours. It is a process aimed at changing a person's (or a group's) attitude or behaviour towards some event, idea, object, or other person(s), by using written or spoken words to convey information, feelings, or reasoning, or a combination thereof.

It is also an often used tool in the pursuit of personal gain, such as election campaigning, giving a sales pitch, or in trial advocacy. It can also be interpreted as using one's personal or positional resources to change people's behaviours or attitudes.

Formation and change of attitude are not two separate things - they are interwoven. People are always adopting, modifying or relinquishing attitudes to fit their ever changing needs and interests. Acceptance of new attitudes depends on who is the communicator, how the communication is presented, how the communication is perceived by the message receiver, the credibility of the communicator, and the conditions under which the knowledge was received.

Attitudes change when:

- A person receives new information from others or media - Cognitive change
- Through direct experience with the attitude object - Affective change
- Force a person to behave in a way different than normal - Behavioural change

4.2. Functions that can be Performed with Persuasion

The persuader needs to select a purpose that is realistic for his/her audience. Five general purposes of persuasion are listed below.

1. **Create uncertainty:** When an audience is strongly opposed to the persuader's view, the best that may be possible for the persuader is to make the audience a little less certain they are right, a little less comfortable with their current attitude.
2. **Reduce resistance:** If the audience is moderately opposed to the persuader's position but not closed-minded, the persuader may be able to reduce opposition to his/her view and move the audience toward neutrality. While not expecting a reversal of views this goal asks the audience to recognize the validity of opinions different from their own.

3. **Change attitude:** If the audience is not committed, especially strongly, to any attitude on the topic this goal is appropriate.
4. **Amplify attitude:** If the audience is already moderately favourable to the persuader's view, he/she can design a message which will reinforce current attitudes in the audience, help the audience resist appeals from opponents, and motivate the members of the audience to become strongly committed to his/her position.
5. **Gain behaviour:** When an audience strongly favours the persuader's position, the logical goal is to get them to act on their convictions.

Systematic persuasion is the process through which attitudes or beliefs are leveraged by appeals to logic and reason. **Heuristic persuasion** on the other hand is the process through which attitudes or beliefs are leveraged by appeals to habit or emotion.

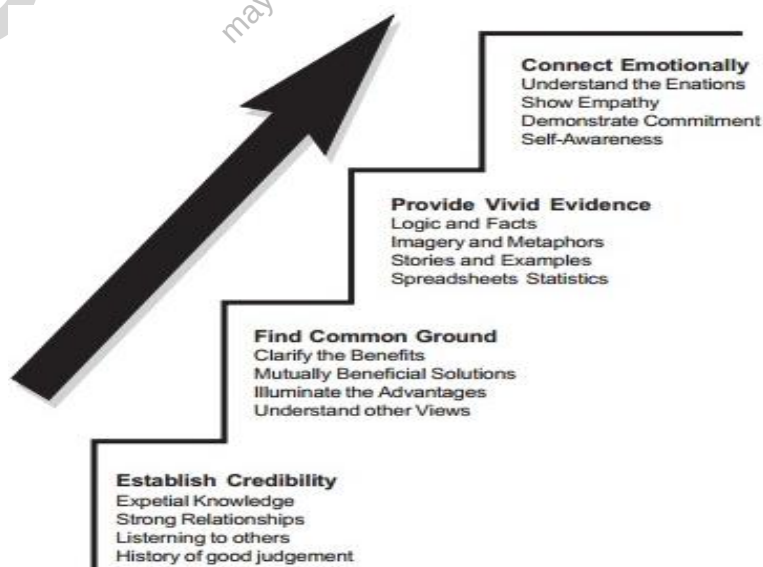
Experimental research reveals that factors that affect the **persuasiveness of a message** include:

- **Target Characteristics:** These are characteristics of the person who receives and processes a message. For example, intelligent people are less likely to be persuaded by one-sided messages or may recognise when someone is making exaggerative claims. Sometimes, rather than being attracted towards an opinion, they may be repulsed further on recognising underlying hollowness of claims. Similarly, self-esteem is another characteristic of the receiver. Although it is sometimes thought that those higher in self-esteem are less easily persuaded, there is some evidence that the relationship between self-esteem and persuasibility (the ability to be persuaded) is actually curvilinear, i.e. people at both ends of the spectrum of self-esteem are difficult to persuade whereas people in the middle are relatively easier. However, self-esteem is difficult to measure objectively. High self-esteem can be because of arrogance and such people may well be stubborn. Low self-esteem can be because of multiple reasons like loss or defeat or ridicule by others. Such people may become immune to persuasion because they may train themselves to be ignorant- not just of people who ridicule them, but of other well-intentioned people as well.
- **Source Characteristics:** These include characteristics of the person trying to persuade someone else. For example, expertise, trustworthiness and interpersonal attraction or attractiveness are some traits which make persuasion effective. The credibility of a perceived message has been found to be a key variable here; if one reads a report about health and believes it came from a professional medical journal, one may be more easily persuaded than if one believes it is just a word of mouth. Credibility depends upon the expertise and trustworthiness of the source delivering the message. Similarly, celebrities are used in ad campaigns because of, among other things, their attractiveness.
- **Message Characteristics:** The nature of the message plays a role in persuasion. Sometimes presenting both sides of a story is useful to help change attitudes. When people are not motivated to process the message, simply the number of arguments presented in a persuasive message will influence attitude change, such that a greater number of arguments will produce greater attitude change. Similarly, message presented neatly in a lucid and comprehensible manner can produce a greater change than one presented in a complex, difficult to understand manner. For example, a mass political leader is generally also a good orator- meaning that he/she is able to get the message clearly to the audience. It is not just his/her own personality that contributes to this but also how succinctly he/she puts across the message.
- **Cognitive Routes:** Effectiveness of a message also depends on whether a person's cognitive senses are invoked or not. If a person is made to think and arrive at a conclusion by self, then the message can be delivered more effectively. This is appealing to an individual's cognitive evaluation. Academically, this is categorised into two routes: central and peripheral.

- In the central route to persuasion the individual is presented with the data and motivated to evaluate the data and arrive at an attitude changing conclusion. Persuasion will likely result from a person's careful and thoughtful consideration of the true merits of the information presented in support of an advocacy. The results of attitude change will be relatively enduring, resistant, and predictive of behaviour.
- The peripheral route to attitude change is used when the message recipient has little or no interest in the subject and/or has a lesser ability to process the message. Being at the low end of the elaboration continuum, recipients do not examine the information as thoroughly. With the peripheral route, they are more likely to rely on general impressions (e.g. "this feels right/good"), early parts of the message, their own mood, positive and negative cues of the persuasion context, etc. The individual is encouraged to not look at the content but at the source. Credibility is a low-effort and somewhat reliable way to give us an answer of what to decide and/or believe without having to put in much work to think it through. This is commonly seen in modern advertisements that feature celebrities. This relies on a crucial aspect of an individual- that they are 'cognitive misers' and tend to use shortcuts and rely on heuristics (i.e. quick problem solving rather than detailed/analytical process).

4.3. Steps in Persuasion Process

1. **Establish credibility:** Credibility grows out of expertise and relationships. A persuader needs strong emotional characteristics and integrity. The need to listen carefully to other people's suggestions and establish an atmosphere where their opinions are valued.
2. **Framing common goal with colleagues:** Effective persuader must be adept at describing the position in terms that illuminate the person's point advantages that he/ she is trying to persuade. It is a process of identifying shared benefits. This requires conversations to collect essential information by asking thoughtful questions. This process will often prompt to alter the initial argument or include compromises.
3. **Reinforce positions with vivid language and compelling evidence:** Persuasion requires presentation of evidence — strong data in multiple forms (stories, graphs, images, metaphors and examples). Persuaders need to make positions come alive by using vivid language that complements graphics.
4. **Connecting emotionally with audiences:** Good persuaders are aware of primacy of emotions and are responsive to them. They know how to maintain a balance between professionalism and their own emotional commitment to the position they are advocating. Their connection to their audience demonstrates both intellectual and emotional commitment to their position. Successful persuaders cultivate an accurate sense of their audience's emotional state, and they adjust their arguments accordingly. Whatever their position, they must match their emotional fervour to their audience's ability to receive their message.



4.4. Effective Persuasion

Everyone is susceptible to being persuaded; persuasion is a process whose objective is to change a person's attitude and/or behaviour towards an idea, event, person or an object. Broadly speaking effective persuasion should have desirable source (having credibility), desirable message characteristics (having fear, rational, and emotional appeals). In more detail, persuasion to be effective must have following things:

1. **Establish a common ground:** The persuader should establish positive rapport with target people.
2. **Point out the benefits:** Persuader should highlight the major benefits of changed behaviour or attitude. However, the persuader should avoid trying to push for the change, as it will make him look desperate.
3. **Turn objections into strengths:** Objections to change are natural but the persuader should turn them into opportunities. For this he may agree with the prospect's objection and then illustrate how it is easily overcome by the proposed change.
4. **Commitment and consistency:** Persuader should try to get the target section (prospect) to believe in something small or take a small action first. Once committed, the prospect will most likely agree to a larger idea later. This technique employs the fact that people tend to behave in a consistent manner, once they take a stand, they will act in ways consistent to the decision as a means of defending and justifying it. Rationality commands an innate appeal to the human mind.
5. **Use the reciprocity principle:** The principle implies that when someone does something for us we feel obliged to return the favour. This may include appropriately rewarding the target population for the changed behaviour/attitude. This helps in strengthening and sustaining the change.
6. **Social proof technique:** People tend to follow others (bandwagon effect) more so when they don't have sufficient information to make the decision on their own. This technique will involve you telling the target population that other people are getting benefits from the suggested change, with empirical evidence. For this the persuader may invoke the examples of some well-known personality. For example, in campaigning against female feticide in Haryana we may invoke the examples of some female sportspersons who have won laurels, S. Nehwal in Badminton, or Kangana Ranaut in Bollywood etc.
7. **Scarcity:** This involves letting people know that they stand to lose on a chance to get the benefits out of the proposed change.

4.5. Social Influence

Social influence occurs when one's emotions, opinions, or behaviours are affected by others. Social influence takes many forms and can be seen in conformity, socialization, peer pressure, obedience, leadership, persuasion. Social influence can be defined as a change in behaviour caused by real or imagined influence from others. The most effective social influence attempts to succeed in changing a person's attitudes and behaviour. But changing someone's attitude is not necessary for social influence to occur; all that's required is behaviour change. Following are the three broad varieties of social influence.

- **Compliance** is when people appear to agree with others, but actually keep their dissenting opinions private. It is a change in behaviour but not necessarily attitude.
- **Identification** is when people are influenced by someone who is liked and respected, such as a politician, guru, celebrity.
- **Internalization** is when people accept a belief or behaviour and agree both publicly and privately.

Conformation

Why do we conform or attempt to conform to the expectation of others? There are two psychological needs of human at play – our need to be right and our need to be liked. The former is also called informational social influence and the latter is referred to as normative social influence.

- **Informational influence (or social proof)**- When a person is in a situation where they are unsure of the correct way to behave, they will often look to others for clues concerning the correct behaviour. We conform because we believe that others' interpretation of an ambiguous situation is more accurate than ours and will help us choose an appropriate course of action. It is an influence to accept information from another as evidence about reality.

Social proof often leads not only to public compliance (conforming to the behaviour of others publicly without necessarily believing it is correct) but also private acceptance (conforming out of a genuine belief that others are correct). Social proof is more powerful when being accurate is more important and when others are perceived as especially knowledgeable.

In 2017 a video surfaced from a temple in eastern India where a woman was seemingly taking blessings from a Kangaroo shaped dustbin. She did not know what this 'object' was and saw another woman touching the dustbin. Soon, some more women joined in taking the blessing. Of course, had they known that it was an object meant to dispose waste, their behaviour would have been different. But a lack of knowledge combined with their desire to be right led them to follow a herd mentality and conform to the 'acceptable' behaviour of worshipping the kangaroo shaped dustbin.

Such behaviour is not uncommon even for seemingly more intelligent people. People generally identify themselves with a political ideology, not necessarily knowing its tenets. Criticisms of the government, for example, are mostly simplistic i.e. they tend to portray a very partial picture, but once a political opponent takes a stand, the supporters join in because they believe in the leader, often blindly. Same is true for the supporters of the party that forms the government, but often its supporters are in a tough spot because defending all actions of the government all the time is much more difficult.

- **Normative influence** is related with the need of an individual to be liked by others. Human beings, being inherently social, desire companionship or associations. A group or an association consists of people with some common interest. For a successful and healthy atmosphere in the group, people try to blend in. They change their behaviour somewhat so that they are liked. This is a normative social influence- normative meaning that how things 'should be', for e.g. parents desire that children should stay away from mobile phones. Hence, it is an influence to conform to the positive expectations of others.

The goals of social influence can thus be summarized as:

To Choose Correctly

- People often rely on two principles to help them choose correctly: authority and social validation. Thus, they are more willing to be influenced by authority figures, on the one hand, and similar peers on the other.
- One reason authorities are influential is that they are often experts, and, by following an authority's directives, people can usually choose correctly without having to think hard about the issue themselves.

- Just as following an authority is normally a shortcut to choosing correctly, so is following the lead of most of one's peers. The choices of these others provide social validation for the correctness of that choice.
- People are most likely to allow themselves to be influenced by others when they are uncertain about how to respond in the situation—because when uncertainty and ambiguity reign, people lose confidence in their own ability to choose well.
- When others share a consensus about the correct way to act, they are especially influential to observers.
- In addition, observers are more likely to be influenced by others who are similar to them and who, therefore, provide better evidence about what the observers should do.
- When choosing accurately is important, only uncertain individuals are more likely to follow the crowd; those who are already sure of the validity of their judgments are less willing to conform.

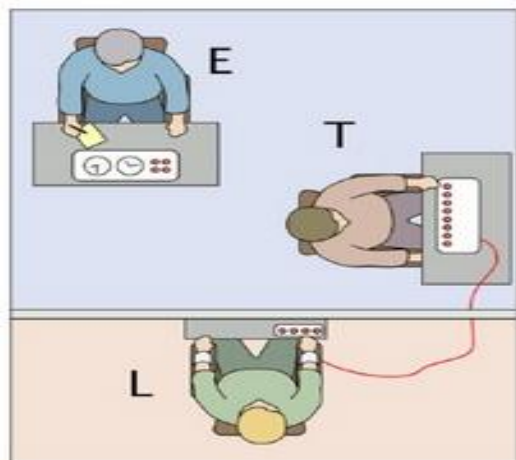
To Gain Social Approval

- People change in order to be more accepted and approved by their groups and to avoid the social rejection that often comes from resisting group pressure for change.
- Injunctive standards of a group or culture inform people as to the behaviours that are likely to get them accepted or rejected there.
- One such norm is that for reciprocity, which obligates people to give back to those who have given first. Anyone who violates this norm risks social disapproval and rejection, which makes people more willing to comply with requests of those who have provided an initial favour or concession.
- The desire for social approval and a collective self-definition both increase one's willingness to submit to social influence in order to gain acceptance. But a tendency to go against conventional norms of behaviour or even rebelliousness decreases one's susceptibility to social influence, especially when the influence is seen as threatening one's freedom to decide.
- Two features of a person's social situation increase the motivation to go along to get along: the appeal of the group or individual pressing for change and the public observability of the person's actions.
- Even strong group norms can be resisted when members feel that they have the ability to withstand group influence or when members don't feel highly identified with the group.

To Manage Self Image

- People can manage their self-images by yielding to requests for action that fits or enhances their identities.
- Influence professionals can increase compliance by linking their requests to the values to which people feel committed, especially when these values are prominent in consciousness.

The Milgram Experiment



- Subjects were "employed" to help out at a psychology experiment.
- As "Teacher" (T) they were instructed to administer electric shocks to a Learner (L) on the command of the Experimenter (E)
- Shocks increased up to 450 volts (more than enough to kill a person) and the shocks were labelled – T knew what they were doing was dangerous and painful – a recording of shouting and distress, eventually leading to silence was heard from the other side of the wall.

How would you react? How do you know?

Prof Stanley Milgram of Yale University (1961) began experiment to study the obedience, even to the evil forces. As shown above, the participant (teacher) would ask a series of questions to another "participant" (learner). The teachers were instructed by an authority (experimenter) to give shock to the learners whenever an incorrect answer was given. The learner was not a participant at all but actually an actor who would pretend to be hurt by the shocks and yell out in pain when the button was pushed.

Result? More than 60 percent of the participants gave shocks up to fatal level (450 volts). Because behind participant, there was a doctor, he'll keep saying "go on...increase the voltage, person will not die."

1. **Lack of accountability, overwrites your conscience:** Doctor is the authoritarian figure. Individual participant's conscience is overpowered, when participant thinks "it's not my responsibility, I'm only following orders".
2. **Authoritarian figure can overwrite your conscience:** Hitler was a great orator; he could sway the crowd in his favor just by a speech.
3. **Peer-pressure is stronger than obedience:** If there are two participants, second participants refuses to give shock to the subject and storms out of the room, then first participant may also walk away
4. Thus, **Strength wise:** peer-pressure (Conformity) is stronger than authority (Obedience) which is greater than conscience of the individual.

4.6. Emotions and Attitude Change

Appeal to emotional aspect of person is also used as a tool for attitudinal change. In fact, emotion is a common component in persuasion and social influence. Research on attitude has also highlighted the importance of affective or emotive components of the message. The ABC model of attitude emphasises the three components- cognitive (i.e. what we perceive), affective (how we connect emotionally) and behavioural (how we act). Emotion works hand-in-hand with the cognitive process, or the way we think, about an issue or situation. Emotional appeals are commonly found in advertising, health campaigns and political messages.

Recent examples include no-smoking health campaigns and political campaign advertising emphasizing the fear of terrorism. By activating an affective or emotion node, attitude change may be possible, though affective and cognitive components tend to be intertwined. Please note that emotional attitude is different from appealing to emotion for attitudinal change.

Emotional attitude is merely an attitude developed primarily by emotion, for e.g. attitude of parents towards children. Appeal to emotion is the method to develop a desirable attitude. Emotions such as fear, joy, anger, empathy, ridicule, etc. Instead of facts, persuasive language is used to develop the foundation of an appeal to emotion-based argument.

For example, to motivate someone to stay fit or to quit smoking, one should not only cite scientific evidence to prove the point but can also convince using the fear of deadly diseases or the joy of a healthy life.

However, if appeal to emotion is made using wishful thinking (i.e. something that is pleasing to imagine but not based on evidence or fact), then it becomes a logical fallacy. Only a temporary change in attitude can be achieved with wishful thinking or appealing to flattery or to hatred. In future this can also lead to development of attitudes counter to what was desired. Hence, appeal to emotion alone cannot be a sustainable basis for attitudinal change. Appreciation of facts gives legitimacy to message and thus is a more enduring way to change attitude.

4.7. Consequences of Social Influence or Persuasion

The outcomes of persuasion or social influence could be good, bad or ugly depending on the modes of tactics, motives, and contexts in which they are employed. These are discussed below:

Ugly Face of Persuasion

Ugly influencers push and shove others into decisions. Their style leaves others feeling powerless and resistant to innovation or change. It refers to situation where the motive of persuasion may be utterly selfish. For example, the miss-selling of financial instruments, or duping the customers by making false claims.

Bad Persuasion

Bad influencers might work hard to achieve legitimate and desirable goals, but lack the skills to influence effectively. Their style causes people to feel they are being punished or cutting through red tape, all to please someone who appears ineffective. In this case the motive is genuine but the means are ineffective. For example, promoting family planning with forced sterilisation, as happened during emergency period.

Good Persuasion

Good influencers get people to focus on an issue that is clearly and simply stated, finds out what the emotional value of the issue is to the people involved, and seeks solutions that satisfy the people who are needed to make the solution work. Good influencers are effective because they create trust, which enables others to take risks. Their habit of communicating, informing and including others builds loyalty among the target population. They effectively use various kinds of appeal- rational, emotional, and fear.

For example, changing attitude against untouchability should include invoking reason, emotional appeal and fear of law.

4.8. Persuasion vs. Manipulation

The difference between persuasion and manipulation lies largely in underlying intent and desire to create genuine benefit. The difference between persuasion and manipulation lies in:

- 1) The intent behind your desire to persuade that person,
- 2) The truthfulness and transparency of the process, and
- 3) The net benefit or impact on that person

Manipulation has negative connotation. It implies persuasion with the intent to fool, control or contrive the person on the other side of the conversation into doing something, believing something, or buying into something that leaves them either harmed or without benefit. It may also imply that you are concealing a desire to move them to your point of view in a way that will benefit only you. And if this benefit were disclosed, that revelation would make the other person far less receptive to your message.

Example

Take the case of a salesman in a car showroom. A person walks in with his family of 6 looking to buy a car- a family sized, affordable car. The salesman, with his persuasive abilities is able to convince the person that he shouldn't be buying a mini- van but rather a sports car to reclaim his youth, and in doing so, teach his children how important it is to stay true to their youthful ideals, knowing full well that he would make twice the commission on that car and it was completely unsuitable for them. That's **manipulation**.

Now, what if that same person came with the motive of just wasting some money? Then the salesman could have used his persuasive abilities to slowly and methodically lay out a conversation and a set of facts that led this person to understand the genuine benefit of purchasing the more affordable and suitable family car. That's **persuasion, not manipulation**.

Because I used the same set of skills to convince somebody to do something that I genuinely believed was in their best interest, instead of convincing them to do something that I was pretty sure was not in their best interest – and very likely was being less than truthful with at least part of what I was talking about.

5. Attitude's Relation with Thought and Behaviour

5.1. How does Attitude Influence our Thought and Behaviour?

An attitude is "a relatively enduring organization of beliefs, feelings, and behavioural tendencies towards socially significant objects, groups, events or symbols". Since, attitude also includes pre-disposition to behave in certain ways, therefore our attitude can be regarded as the predictor of our behaviour in relation to the attitude object.

This kind of enquiry includes to what extent, and under what conditions, do attitudes drive our outward actions? What is the relationship between what we are (on the inside) and what we do (on the outside)?

In the early days of attitude research, most investigators accepted as a given that human behaviour is guided by social attitudes. It was assumed that attitude was the key to understanding human behaviour. Moreover, early work with the attitude gave no reason to doubt this assumption. Yet some researchers challenged this view. They argued that the attitude-behaviour relation works the other way around, with our behaviour as the horse and our attitudes as the cart and that people's expressed attitudes hardly predicted their varying behaviour.

Key Study: La-Pierre (1934)

Aim: To investigate the relationship between attitudes and behavior.

Method: La-Pierre travelled round American hotels with a Chinese couple, expecting to meet discriminatory behavior, because of anti-Chinese feeling prevailing at that time. At the time prejudice against Asians was widespread and there were no laws against racial discrimination. They visited 67 hotels and 184 restaurants. Six months later, after their return, all the establishments they had visited were sent a letter, asking whether they would accept Chinese guests.

Results: They were only refused at one of the establishments they visited, and were generally treated very politely. Of the 128 establishments which responded to the letter, 91% said they were not willing to accept Chinese guests.

Conclusion: Attitudes do not always predict behavior. Cognitive and affective components of attitudes are not necessarily expressed in behavior. Thus, the La-Pierre's study shows that the cognitive and affective components of attitudes (e.g. disliking Chinese people) do not necessarily reflect in their actual behavior (e.g. serving them).

Thus, it is not true that attitude will always predict the behavior. According to some experts, it depends on the strength of the attitude held.

Attitude Strength

The strength with which an attitude is held is often a good predictor of behavior. The stronger the attitude the more likely it should affect behavior. Attitude strength involves:

Importance / personal relevance refers to how significant the attitude is for the person and relates to self-interest, social identification and value. If an attitude has a high self-interest for a person (i.e. it is held by a group the person is a member of or would like to be a member of, and is related to a person's values), it is going to be extremely important. As a consequence, the attitude will have a very strong influence upon a person's behavior. By contrast, an attitude will not be important to a person if it does not relate significantly to their life.

The **knowledge** aspect of attitude strength covers how much a person knows about the attitude object. People are generally more knowledgeable about topics that interest them and are likely to hold strong attitudes (positive or negative) as a consequence. Attitudes based on direct experience are more strongly held and influence behavior more than attitudes formed indirectly (for example, through hear-say, reading or watching television).

However, even strength of attitude alone can't be the accurate predictor of our behavior, therefore some experts have suggested the following factors responsible for determining the attitude-behavior link. These are:

Accessibility: It refers to the easy availability of the attitude to the mind of the attitude holder. It means that the attitude holder is conscious of the "ACB" components (Affection|Cognitive|Behavioural) of the attitude and therefore they immediately come to the mind of the attitude holder.

Specificity: Most people are not sure about their likings/dislikings about many things. If we do not have a specific attitude towards something, it is prone to change, i.e. it is as yet weakly formed and can be changed with little effort such as availability of new knowledge. Specificity here means how specific an attitude do we have towards something. Having hazy or multiple attitudes towards the something reduces their specificity. For example, political attitude towards an issue can be fuzzy and change according to the group that we are in. This leads to a somewhat confused behaviour in that situation.

Congruence: Continuing from specificity, congruence refers to the consistency among different components of our attitude. If the knowledge component and affective component are inconsistent then our behaviour would depend more on the situation than on attitude per se. The Mahabharata talks about '**Manasa, vacha, karmana**'. The word manasa refers to the mind, vaachaa refers to speech, and karmanaa refers to actions. These are used to describe the state of consistency in behaviour of an individual. The motto '**Manasa, Vaacha, Karmana**' is usually invoked to imply that one should strive to achieve the state where one's thoughts, speech and the actions coincide.

5.2. When Does Attitude Predict Behaviour?

In the earlier section we looked at how does attitude influence our behaviour. Here we look at how does attitude predict behaviour, i.e. what are the situations where we can predict a person's behaviour having the knowledge about his/her attitude. Researchers have discovered that people are more likely to behave according to their attitudes under certain conditions. This is particularly so when:

- attitudes are a result of personal experience
- when one expects a favourable outcome
- when the attitudes are repeatedly expressed
- when one stands to win or lose something due to the issue under consideration
- when situational factors that contradict our attitudes are weak
- when we are aware of them, and
- when they are strongly held.

Our behaviour and our expressed attitudes differ because both are subject to other influences. But if we could just neutralize the other influences on behaviour—make all other things equal—then attitudes can predict behaviour fairly accurately. The following points explain in detail the conditions under which people are more likely to behave according to their attitudes.

5.2.1. Strength of Attitude

One important condition for high attitude-behaviour consistency is that the attitude be strong and clear. Strength of attitudes depends upon: personal implications; formed through direct experience; highly embedded attitudes, that is, they are tied to other beliefs that people hold.

5.2.2. Stability of the Attitude

Stable attitudes that are easily remembered are more likely to predict behaviour than attitudes that are less stable and not accessible in memory.

5.2.3. Accessibility of the Attitude

Attitudes that are more accessible to memory influence behaviour more strongly. A primary factor that determines whether an attitude is accessible in memory is how frequently it is expressed. Attitudes also become more extreme when they are expressed more frequently. That is, the more opportunities you have to express an attitude, the more you come to regard that attitude as important to you.

5.2.4. Salience of the attitude

Salience is the quality of being particularly noticeable or important, i.e. prominent. In most situations, several different attitudes may be relevant to behaviour. Salience is particularly crucial when the attitude is not a very strong one. Saliency refers to the fact that not all of a person's beliefs stand out with equal prominence in his cognitive field. He may be more acutely aware of certain of his beliefs than others, they may enter his thoughts more readily, they may be more frequently verbalized--they are, in a word, salient. Suppose a person is asked to name the things that "come to mind when you think about buying...". The order in which a person names those things reflects the salience. Please note that salience is not perfectly synonymous with importance. But salience of attitude towards a particular object is a considered a decent predictor of behaviour.

5.2.5. Affective vs. Cognitive Aspects of an Attitude

Some attitudes depend heavily on cognitions to back them up, that is, beliefs about the attitude object. Other attitudes are more affectively based, dependent on the positive or negative feelings or emotions that a person associates with an attitude object. Making the affective

component of the attitude more salient increases the influence of the affective component over behaviour, whereas making the cognitive component more salient makes the cognitive component the stronger determinant of behaviour. However, when the cognitive and affective components of an attitude are consistent with each other, it does not matter which is made more salient: both will be highly correlated with the behaviour when either is made salient.

6. Examples for Pondering

6.1. Case Study 1

Ganga is a software engineer working for Alsec Technologies. She was thrilled to receive a job offer from their competitor, Novatex Systems, whom she greatly admired both as an industry leader and as an ideal employer. The position that was offered was just what she had always wanted. She discussed the offer with her husband Vishnu. He raised couple of questions, which began to trouble her. He asked her about the big project that she had been working on. He reminded her that she was the driving force behind the project. He said, if you leave Alsec now, they could be in big trouble. Vishnu wondered whether her leaving would not be a let down to the company and the whole project team.

She had done well in Alsec and the company had treated her well. The issue is what is right for you to do, and not what the company would or would not do. Both are competing firms. It's like switching sides. It's not just loyalty to the company, but to the people you work with. Novatex needed somebody right away. But they gave her some more time to think about the offer. It was a big opportunity as far as she was concerned. Her conversations with Vishnu had troubled her and she started wondering whether she would be right in accepting an offer which she had wanted so much.

- What should Ganga Do? What ideals, obligations and effects should she take into account
- Would it be unprofessional of Ganga to drop everything and move to Novatex? Would it show lack of integrity? Could moving abruptly have negative career consequences for her?
- Is it morally wrong, morally permissible or morally required to take up the new job? Examine Ganga's choice.

To answer the above Questions consider the following

What Are the Relevant Facts?

1. Ganga is a software engineer working for Alsec, but currently she is not in a job that she always wanted.
2. She received an offer from Novatex, but her husband reminded her about how important she is for Alsec at this moment.
3. She passed comments about her colleague who switched sides of the competing firm.

What Are the Ethical Issues?

1. Should Ganga join Novatec despite the fact that she is the driving force of the current project?
2. On what grounds should Ganga's decision should be taken?

Possible Solution

Currently, Ganga's present employer considers her a top performer and treats her well. A competing company wants her. She has the right to listen to their offer.

She hit a career plateau and this dangled position represents a growth opportunity, and she owe it to herself to hear what they offer, driven by curiosity or career ambition.

If she wisely realizes, her current employer may view this as disloyalty. She can mitigate this risk by maintaining clear ethical boundaries. What would a person of ordinary prudence do in such a situation?

- First, when she listens to the competing company's offer, she should make sure they should not tell her anything they wouldn't want her to know if she continues to working for her current employer. This warning prevents her from burning a bridge and increases their respect for her professionalism.
- Second, before she accepts a competitor's offer, she can give her current employer the chance to make a competing offer.
- Third, if she leaves her current company, she should play fair with them, by completing the current project she is associated with because ethics require that she does not walk out the door with proprietary information.
- Fourth, she should make sure to her current employer, admitting she simply took a promotional opportunity and she'll ease the concerns of the clients who negatively view employees who switch between competing companies.
- Next, in weighing the two options, she should ask herself which she might regret more a year from now taking a risk and moving to a job she liked or losing a potentially good opportunity in the current company. With that in mind, either call her competitor and say "no thanks" or hear them out.

6.2. Case Study 2

You are the engineering manager for the Road Commission with a primary responsibility for district road safety. At least 1 person has died along a given stretch of road each of the last 7 years by crashing into a roadside tree. Many other accidents have occurred. Two law suits were filed regarding the unsafe segment of the road, but were dismissed because the drivers were exceeding the 45 mph speed limit. You recommend that the road be widened, resulting in cutting down ~30 old trees. Environmental groups protest, and file a petition signed to 150 people to save the trees. Public debate falls on both sides of the issue.

"Discuss how you will proceed at this point."

Societal values: A variety of societal values pertain to this situation. Society values human life, so this would favour widening the road and sacrificing the trees. Society also values following the law. Since it can be argued that people in the accidents were speeding, and therefore violating the law, perhaps leaving the road is fine.

Steps that I will follow

1. First, I would hold a public meeting to inform public. It should be noted that minimum no of people on the petition is a small fraction of persons affected (up to 60,000 in town, so there could be a silent majority in favor of widening the road). Explain why technically the best solution is to widen the road.
2. The district should widen the road and remove trees from the right-of-way for optimal safety.
3. The district should consider relocation of the displaced trees to other public property (a park, etc). if possible and plant double the number of trees.

This solution accommodates both public safety which is a human ethics and environmental preservation, part of environmental ethics.

6.3. Case Study 3

In the past month one of your employees has shown a major decline in performance when dealing with citizen redressal. Though this decline has been on-going for the past six months it

was particularly sharp during the course of the last month and you receive a lot of complaints. In addition, she started coming in late, seeming very frustrated with her work. Her frustration is influencing the atmosphere in the office as she is a popular employee and has been working for the company for the past two years.

The following are the course of Action that will be taken by anyone depends on his personality/character and values he holds and organisational Values. What will you choose and justify the answer.

1. I call her for a talk and try to get down to the source of the problem. I explain that this behavior is bad for all who are involved, including her. I express my true will to help her with this rough patch in the condition that she works with me and not against me.
2. Demotion is the most appropriate solution. I replace her and assign her with back office tasks. Employees are being measured by accomplishments and if she doesn't make the requirements then I don't have a choice. In addition she is a respected worker in the staff and I have to stop her from deteriorating all the other employees.
3. I call for a staff meeting to talk about the negative atmosphere and make sure that the employee is not there so that there won't be any rejections.
4. She has been working for the past two years. Everyone has periods that are not the best and part of my job is to be sensitive when it is called for and "cut her some slack" on this one.

6.4. Case Study 4

A co - worker is undermining you. At the moment he has the least senior position in your department and is less experienced. However, he has impressive academic achievements and is very talented. You are informed that he is interested in getting some of the authorities that you hold.

What do you do and why? Choose one of the options below and state the reason involving values you learnt in the course of your life.

- A. I wait to see how things develop; it is not fair to act just because a third party said something without me having solid proof.
- B. I call him in for a clarification talk and ask him to stop at once. I explain that cooperation is a better way to work and that we can both learn from one another. If he refuses to understand I take more serious steps.
- C. I do not take any chances with these issues, I must take advantage of the fact that I am now ahead. I report this to my supervisor, and advise him to reconsider a replacement.
- D. I do not want to make a "big deal" out of this and so I ask the third party to imply to him that his behaviour is unacceptable.

6.5. Case Study 5

A Diamond watch has been stolen in a Diamond Merchant store. Santosh, a jewellery salesman, was the only person observed handling the watch based on Vinay's study on CCTV tapes, though it cannot be exactly determined if Santosh stole the watch. He has failed a lie-detector test unlike other employees. Vidya is the Manager and she notes that there is a flaw in Santosh's application and are not consistent with previous work experience. She would not have noticed the irregularities on Santosh's application had it not been for Vinay's suggestion. She also does not think it is fair to let Santosh continue working if he did steal the watch; however, she feels that he is also innocent until proven guilty despite the circumstantial evidence.

What Are the Ethical Issues?

1. What are the typically appropriate grounds for terminating an employee who is suspected of theft?
2. If an employer has very strong circumstantial evidence that an employee is guilty of theft but the evidence is not conclusive, is it ethical to terminate the employee on the basis of factors that were not themselves the real reason for the termination?
3. What are the moral rights of employees suspected of theft?

Who Are the Primary Stakeholders?

1. Vidya
2. Vinay
3. Santosh
4. All other employees of the store

What Are the Possible Alternatives?

- Fire Santosh based on the discrepancies in his application form.
- Do nothing

What Are the Ethics of the Alternatives?

1. What burdens would be placed on Santosh if he is not told the real reason for his termination? What burden would be placed on Vidya if Santosh is told the real reason for his termination? Which of these two ways of distributing burdens is most fair?
2. If Santosh's employment is terminated, who benefits and who is burdened? Who benefits and who is burdened if he is not? Which distribution of benefits and burdens is most fair?
3. If Vidya fires Santosh for a paperwork technicality, should she follow suit and check the other members of the jewellery department of the store?

If Santosh really did steal the watch, is it fair for him to be able to continue his employment?

7. UPSC Previous Years Question Papers**2014**

1. What factors affect the formation of a person's attitude towards social problems? In our society, contrasting attitudes are prevalent about many social problems. What contrasting attitudes do you notice about the caste system in our society? How do you explain the existence of these contrasting attitudes?

2015

1. Two different kinds of attitudes exhibited by public servants towards their work have been identified as bureaucratic attitude and the democratic attitude.
 - (a) Distinguish between these two terms and write their merits and demerits.
 - (b) Is it possible to balance the two to create a better administration for the faster development of our country?

2016

1. How could social influence and persuasion contribute to the success of Swachh Bharat Abhiyan?
2. Our attitudes towards life, work, other people and society are generally shaped unconsciously by the family and the social surroundings in which we grow up. Some of these unconsciously acquired attitudes and values are often undesirable in the

citizens of a modern democratic and egalitarian society. (a) Discuss such undesirable values prevalent in today's educated Indians. (b) How can such undesirable attitudes be changed and socio-ethical values considered necessary in public services be cultivated in the aspiring and serving civil servants?

2017

1. Young people with ethical conduct are not willing to come forward to join active politics. Suggest steps to motivate them to come forward.

8. Vision IAS Test Series Questions

1. ***Explore the reasons behind morality having little effect in regulating the attitude of nations towards one another?***

Answer:

Ethical decision-making can be more challenging for international relations than local operations. It means morality has little effect in regulating the attitude of nations. Some of the reasons are:

- Formulating foreign policies is the responsibility of governments. Thus moral consideration in the foreign policy depends on the government, not on an individual or the citizenry at large (though in well functioning democracies the will of the people is usually expressed by the government).
- The government is an agent, not a principal. Its primary obligation is to ensure the interests of the society it represents, not to the moral impulses that individual elements of that society may experience.
- Nation states are usually concerned with their military security, territorial unity and integrity, and the well-being of their people. With these and other priorities, morality usually takes a backseat.
- The unavoidable necessities of national existence are rarely subject to classification in terms of "good" or "bad".
- There are no internationally accepted standards of morality to which any government could appeal if it wished to act in the name of moral principles.
- Culture-driven ethics vary between nations, making it difficult for policy makers of one nation to adhere to a strict code of ethics for itself, while dealing in the international arena.
- Ethical dilemma occurs when foreign policy makers must decide whether to commit an act that is ethically unacceptable in the home country, but expected and necessary in the other country.
- If the ethics behind foreign policies will have diminishing or no resonance in the societies they are applied, in or to, their effect will be perverse.

2. ***"Those who say religion has nothing to do with politics do not know what religion is". Explain. Further examine the role of religion in formation of political attitude in the Indian context.***

Approach:

This is the quote given by Mahatma Gandhi, which underlines the importance of religion in shaping political and moral attitude of people. The answer can be framed in the following manner:

- Elaborate the statement and its assumptions in detail.
- Discuss how religion played an important role in shaping political attitude in India.

Answer:

Partition of India on communal lines and existence of political parties adhering to a particular religious ideology are examples and validation of the above quote by Mahatma Gandhi. In a developing society, like India, where tradition coexists with modern practices, religion still plays a very important role in the distribution of power in society. Hence, the idea that politics is immune from religious ideas is tantamount to ignorance about the powerful role religion plays in the socio-political life of Indian society. It can be said that religion still fundamentally shapes political attitude of a large section of people in India.

Though there are various factors like family, caste, ethnicity, region, occupation which determine general political attitude of people, in the Indian context religion has historically played a very fundamental role. Various underlying causes for this condition are:

- In spite of diverse social composition, numerical dominance of one religion with respect to various minority religious communities made religious identity important in socio-political life.
- During colonial times religious identities were reinforced to divide the society on religious-political lines, since then religion has become important social force in political landscape of India.
- Religion provides the ethical framework of the society which also shapes the political actions e.g. banning of beef, role of women in society.
- Religious identities are easier to mobilize for political ends as they are primordial and resonates with masses.

3. *"Persuasion makes society work smoothly while physical coercion grinds it to a halt". Giving examples, compare the effectiveness of persuasion as an influence tactic vis-a-vis coercion in bringing change in society. In what ways persuasion can be used by civil servants to remove social evils existing in society?*

Approach:

The basic theme of the question is to compare the importance of persuasion vis-à-vis coercion to influence others and bring change in society. The answer can be framed in the following manner:

- In brief define persuasion and coercion.
- Citing examples examine the conditions under which persuasion proves to be better tactic vs coercion.
- Thirdly, suggest some ways/measures through which civil servants can use persuasion to remove certain social evils.

Answer:

Our thoughts and actions are influenced by other people, whether we are passively observing their behavior or actively complying with their requests. In everyday life we use persuasion to convince people to either fulfill our needs or to alter their thoughts

and beliefs. Thus, Persuasion is a conscious attempt to change the attitude/belief of others. It attempts to win 'the heart and mind' of the target and influences a person's attitude, intention, motivation or behavior. Coercion on the other hand is the action or practice of persuading someone to do something by using force or threats. It implies that the act is committed against the will of the person.

Effectiveness of Persuasion over Coercion:

- **Persuasion relies on understanding and changing the hearts and mind.** It focuses on the need voluntarily change peoples' belief or action. Coercion on the other hand, employs threat power, punishment so that a person feel compelled to act accordingly/involuntarily.
- **Persuasive tactics include inspirational appeals, consultation and collaboration** which are democratic ways to bring change in society. Those being persuaded feel involved and intrinsically motivated to take a particular action. Whereas, Coercion makes a person accept change in a forced, imposed and undemocratic way.
- Although the process of **persuasion may take more time**, it is less likely to lead to a cycle of retaliation or revenge. Persuasive means are likely to remain more durable and result in greater productivity. Whereas, when bullied into submission, it is human nature to fight back and break away at the earliest opportunity.

Example: To change peoples' mind to adopt family planning measures in order to control population, persuasion is a more effective technique than coercion because adopting family planning methods affects socio-cultural and religious sentiments of different communities in the society. If coercion is used, many would retaliate (as was evident in 1976-77, when Family control measures were forced onto people, ignoring their socio-cultural and religious sentiments).

Ways in which Persuasion can be used by Civil Servants:

- The civil servants at all levels of government exercise substantial discretion and authority, and often have a significant impact on the lives of individuals. They influence how policies are developed, taxes are spent and services are delivered.
- If **Rational/Logical Persuasion** is used by presenting the facts and laying out an argument which generally includes emphasizing the positive benefits of a course of action by providing data, facts, etc., then it would serve a better strategy to bring change in a person's attitude- **Example- 'Swachh Bharat Abhiyan'**- use of awareness to bring about a collective community behavioural change. Also, to increase sensitivity towards dwindling sex ratio, if its implications on society overall is shown through facts, datas and reports and its effect on future prospects of marriage and security of girls per se then it would have a more long lasting effect than coercive tactics.
- If all the stakeholders of society are consulted like Civil Society, NGOs, Religious groups, Youth, elderly, women organisations, etc in a district/state, the civil servants can reach to a more mutually consented decision on a particular course of action to bring change in society- eg. Promoting innovative techniques like "Selfie with daughter" to change peoples'/ family's attitude whenever a girl child is born.

9. UPSC Previous Years Question Paper: Case Studies

1. You are aspiring to become an IAS officer and you have cleared various stages and now you have been selected for the personal interview. On the day of the interview, on the way to the venue you saw an accident where a mother and child who happen to be your relatives

were badly injured. They needed immediate help. What would you have done in such a situation? Justify your action. (250 Words, 20)

2. In our country, the migration of rural people to towns and cities is increasing drastically. This is causing serious problems both in the rural as well as in the urban areas. In fact, things are becoming really unmanageable. Can you analyze this problem in detail and indicate not only the socio-economic but also the emotional and attitudinal factors responsible for this problem? Also, distinctly bring out why— Educated rural youth are trying to shift to urban areas; Landless poor people are migrating to urban slums; Even some farmers are selling off their land and trying to settle in urban areas taking up petty jobs. What feasible steps can you suggest which will be effective in controlling this serious problem of our country?
3. You are the Sarpanch of a Panchayat. There is a primary school run by the government in your area. Midday meals are provided to children attending the school. The headmaster has now appointed a new cook in the school to prepare the meals. However, when it is found that cook is from Dalit community, almost half of the children belonging to higher castes are not allowed to take meals by their parents. Consequently the attendance in the schools falls sharply. This could result in the possibility of discontinuation of midday meal scheme, thereafter of teaching staff and subsequent closing down the school. (20 Marks) (250 Words) (a) Discuss some feasible strategies to overcome the conflict and to create right ambiance. (b) What should be the responsibilities of different social segments and agencies to create positive social ambiance for accepting such changes?
4. You are recently posted as district development officer of a district. Shortly thereafter you found that there is considerable tension in the rural areas of your district on the issue of sending girls to schools. The elders of the village feel that many problems have come up because girls are being educated and they are stepping out of the safe environment of the household. They are the view that the girls should be quickly married off with minimum education. The girls are also competing for jobs after education, which have traditionally remained in boys' exclusive domain, adding to unemployment amongst male population. The younger generation feels that in the present era, girls should have equal opportunities for education and employment, and other means of livelihood. The entire locality is divided between sexes in both generations. You come to know that in Panchayat or in other local bodies or even in busy crossroads, the issue is being acrimoniously debated. One day you are informed that an unpleasant incident has taken place. Some girls were molested, when they were en route to schools. The incident led to clashes between several groups and a law and order problem has arisen. The elder after heated discussion have taken a joint decision not to allow girls to go to school and to socially boycott all such families, which do not follow their dictate. (250 words) (25 Marks)
 - (a) What steps would you take to ensure girls' safety without disrupting their education?
 - (b) How would you manage and mould patriarchic attitude of the village elders to ensure harmony in the inter- generational relations?

10. Vision IAS Test Series: Case Studies

1. *You are the District Magistrate in a district where a significant number of transgenders reside. While discrimination against the community is well known, commuters increasingly complain of harassment at their hands, especially at traffic junctions where transgenders are mostly involved in begging. This, at times, also leads to traffic management issues. You have received a number of complaints in this regard and have to act quickly to resolve it. However, a group of transgender associations argue that begging is their only source of livelihood. Given the situation, answer the following questions:*

(a) Describe the ethical issues involved in this case. Discuss the attitude of people towards transgenders in general and reasons for the same.

(b) What possible courses of action can be undertaken in such situations? Discuss their merits and demerits.

Approach:

- Discuss the ethical issues involved and the reasons for differential attitude of people towards transgenders.
- Discuss possible course of action with merits and demerits. You may conclude by suggesting long-term solution/elaborating on your solution.

Answer:

The given case involves the issues of vulnerable section of population as well as the comfort of the community. The issue relates to taking into consideration competing interests of discrimination, which transgender faces, be it education, employment, social participation as well as the means they use to earn their living.

(a) Ethical issues involved in this case are as follows:

- **Convenience versus livelihood:** Begging by transgenders is causing inconvenience to commuters and is leading to additional problems like traffic congestion. While, on the one hand, poor socio-economic condition of transgenders force them to make a living by begging, this at times becomes inconvenient to general public.
- **Discrimination of transgenders versus harassment of the commuters:** The society in general can't have both ways, that is, restricting the options of a section of population to earn decent income and at the same time have problem with whatever little means they are using to earn their livelihood.
- **DM's commitment to safeguard interests of the vulnerable sections versus taking action on the registered complaints by citizens:** Since a large number of complaints have been registered, it is the DM's duty to take up a call to reign in the menace while balancing the right of transgenders to earn a living.

General attitude of people towards transgenders

- **Discriminatory** - based on their class and gender. This makes the transgender community one of the most disempowered and deprived groups in the Indian society.
- **Non-inclusionary:** They are treated as unnatural and as objects of ridicule and even fear on account of superstition.
- **Inequality and that of Seclusion:** A long neglect in terms of rights (civil rights like the right to a dignified living) and development (reservation in educational institutions and public employment) has completely isolated the community.
- **Negligence and indifference:** Their numerical minority makes them politically less significant as a vote bank and paves the way for their legislative and administrative neglect.

Reasons for such attitude

- They are different from what has been considered 'normal' in the society
- Gender based discrimination has been the norm everywhere and ever since. They have been treated as objects of entertainment rather than as human beings.
- Discarded by their families and society, they turned to petty means to earn livelihoods. Now they are looked down upon for that, without realizing the root cause. Society misunderstands the changing concept of gender identity.

- Many superstitions have also built up around the community because of their closed nature, without realizing that they have been discarded, not that they chose to remain secluded.

(b) Possible course of action

- **Ignore the issue as begging is a matter of livelihood for transgenders**

Merit: Transgenders will have their way in collecting money at traffic junctions.

Demerit: This will amount to dereliction of duty and will neither help transgenders nor the general public in the long run. Also, begging is a criminal offence. Knowingly allowing begging amounts to collusion. Also, it does not solve the issue of genuine inconvenience which the commuters face.

- **Issue a stern warning to transgenders indulging in harassment of commuters. Additionally deploy squads who may check the menace at traffic junctions.**

Merit: It may rein in the menace of harassment at the hands of transgenders and may prevent traffic problems.

Demerit: It may affect the livelihood of transgenders adversely who mainly rely on begging and are discriminated by the general public. As the area has high population of transgenders, it may also create law and order problems.

- **Issue guidelines for traffic junctions along with establishing of committee for chalking out measures to sensitise public about transgender issues as well as implement skill development and vocational training schemes along with rehabilitation measures.**

Merit: It will provide alternate avenues of employment for transgenders. In fact, they would happily switch their jobs given the opportunity. It redresses grievance of citizens as well and may also lead to transgender community getting a respectable place in society in the long run.

Demerit : This is a step with a long gestational period. It may hamper the income earning source of transgenders in the short term. This may reinforce the notion that general society's rights are valued above those of the vulnerable sections.

Though it is important to provide relief to general public, the perspective of transgender community must be empathized, else the solution will not be sustainable in the long run and the status quo will rebound. Implementing the Supreme Court directions of giving them special treatment in certain matters will go a long way in integrating them in the society.

2. ***You are a civil servant posted in a state where elections were recently held. The newly elected Chief Minister had promised to ban alcohol in several of his election campaigns as well as his election manifesto, which was widely praised and supported by women of the state. Fulfilling his electoral promise, the Chief Minister has ordered a blanket ban on the sale of alcohol in the state. Following the ban, concerns have been raised about the feasibility of the ban and whether the government should interfere in what is considered by many to be a matter of personal choice.***

(a) Who are the stakeholders in this case and how are they affected by the ban?

(b) Is blanket ban on alcohol a feasible action?

(c) Identify the issues that may arise while enforcing the ban and the steps you will take to handle them, as a civil servant.

Approach:

- Identify the stakeholders in the case and the effect of alcohol ban on them.
- Comment on whether blanket ban is a feasible action or a coercive action taken by the government.
- State the issues that will arise after the enforcement and suggest measures to handle them.

Answer:

In this scenario, blanket ban of alcohol has been imposed by the new CM in a state, which affects various sections of the society in different ways.

(a) Following are the stakeholders and the effect of the ban endured by them:

- People who consume alcohol, as they will have to face withdrawal symptoms, post ban.
- Their relatives and friends, especially women, who have faced problems like domestic violence, family disputes. However, they will have to ensure that alcoholic addicts are promptly taken to de-addiction centres.
- The government as the state exchequer will face massive revenue loss. Social expenditure may have to be cut down. Moreover, law and order situation has to be maintained.
- Alcohol suppliers and traders as they will have to find alternate means of livelihood.
- The society at large, as it is adversely affected by alcoholism.

(b) While assessing whether blanket ban is feasible, both advantages and disadvantages have to be analyzed:

Advantages:

- Fewer cases of domestic violence and relatively safe environment for children.
- Improvement in health of people leading to decreased burden on government services such as hospitals, medicine stores etc.
- Increase in household savings.
- It can lead to fewer road accidents as drivers will not drink and drive.
- It is in consonance with Article 47 of the Constitution, which emphasizes on public health.

Disadvantages:

- Total ban violates individual's freedom to choose.
- It will cause a heavy revenue loss on state exchequer. The money could have been used for welfare purposes.
- The state might see a rise in alcohol bootlegging owing to emergence of 'black markets'. Since the markets will not be regulated, spurious liquor may be sold, which can have adverse health impacts.
- Alcohol is used in certain religious functions e.g. use of wine during baptism by Christians. Hence, it can interfere with religious practice of minorities.
- Unemployment for those involved in liquor manufacturing and trade.
- Immediate rehabilitation costs for alcohol addicts.

While total ban has several positive aspects, it is not entirely feasible as adults should be given freedom of choice and decision-making. Alcohol production, sale and distribution should be regulated rather than imposing a total ban, else it might be deemed as a unilateral coercive action by the government. Alcoholism is a social issue,

therefore it can't be banned merely by legislative means. Hence, we have to bring in corresponding social change as well to make the ban effective.

Note: Arguments can be given in favour of ban also with proper justification.

Alcoholism has been a menace in the society with disproportionate suffering of women in lower socio-economic strata. Just because some individual's right to choose their dietary habits is curtailed, it cannot be a pretext to prevent active intervention by the government to correct a societal ill. Bans based on sentiments are questionable, but bans based on empirical evidence of domestic violence (most of which goes unreported), traffic violations and consumption of harmful country made liquor have scientific substance to them. The government being the representative of the people has the authority to initiate a change, if it does not come from within.

(c) Issues that may arise in this case, and the ways in which a civil servant should deal with them:

- **Withdrawal symptoms of addicts:** It should be ensured that there are adequate de-addiction and rehabilitation centres with competent professionals.
- **Emergence of black markets and distribution of spurious liquor:** checking at regular intervals, especially at border check posts. Further, restaurants and bars will also be frequently monitored.
- **Livelihood of traders and alcohol producers at stake:** Policy focus should be on job creating programmes and poverty alleviation programmes.
- Further, work on organizing awareness programmes for promotion of healthy lifestyle and disseminate negative effects of alcohol consumption in collaboration with primary health care centres, NGOs, media etc., should be emphasised.

3. *You, a manager in one of the top IT firms in the country, are tasked with hiring new recruits for an upcoming project. You find that the company has given tacit instructions of not hiring female candidates in view of the new maternity law passed by the Government. You find this highly objectionable and lodge a protest with people in the higher management but they are firm as they want to cut down all the unnecessary costs. Based on this information, answer the following questions:*
- (a) *Identify the stakeholders and their interests in the situation.*
- (b) *What are the dilemmas that a recruiting manager may face in such a scenario?*
- (c) *What are the different options available to you? Which one will you pursue and why?*

Approach:

- List stakeholders like the hiring manager, the company, female candidates, Government and the society List their interests.
- Discuss the dilemma(s) you are facing.
- List the available options, analyze each in the light of given circumstances and ethical conduct. Choose the one which you may pursue.

Answer:

(a)

Stakeholder	Interest
Company/Higher Management	Company's interest is to maximize profit by lowering down cost incurred per employee. In the case of female employee the cost of maternity leave is to be borne by the company. Hence, the higher management wants to avoid hiring female candidates.

Hiring Manager(Myself)	My first interest is to hire suitable candidates for the listed positions irrespective of the gender. Avoiding confrontation with management while standing up to unjust policies is the dilemma faced in such situation.
Female Candidates	Their interest lies in seeking a fair chance to get the job in the company. In the long run, they expect equity in hiring and promotion and a safe working environment.
Government and Society	These stakeholders seek gender equality at workplace. For this it is important that issues arising out of maternity be redressed adequately via legislation(s) and social change. Though various maternity legislation may ensure assured maternity leave, flow of regular income and job security, it alone cannot bring out the societal change required for a gender vibrant culture at workplace.

(b) Dilemma: Accepting the higher management's dictum and avoiding any female candidate v/s being fair and appointing a suitable candidate irrespective of the gender. Additionally, I may also face the dilemma of forgoing a better candidate just because of gender. This will lead to loss of productivity and will incur a long term cost to the company. The associated dilemma is the larger issue of gender biasness in society due to patriarchal attitude conflicting with the idea of equality and progress, which demands change. It's important to promote gender diversity at the workplace; however, the current instructions by the company go against this principle.

(c) Different options available:

- Rejecting female candidates: Though with this option I will avoid confrontation with the higher management, this would be contrary to basic human rights and the constitutional ethos of equality. This would filter out many genuine candidates and will constrict the candidate pool. This smacks of short-sightedness and narrow-mindedness.
- Hiring a suitable candidate objectively and without discrimination: This will ensure that the most competent and deserving candidate are hired for the job.

Option which I will pursue: Confrontation is not the way out; persuasion is. The most appropriate way to persuade will be through attitudinal change, which however, is very difficult in the immediate term. But if I can objectively demonstrate that costs associated with hiring women employees are not significantly higher as compared to men and that productivity is independent of gender, I will be able to start the process of attitudinal change. I will take the help of HR department, and if required, the governing board of the company in the matter.

Regarding recruitment, I have to be objective in my assessment of candidates, not biased w.r.t. gender. They will be assessed based on their ability as well as job requirement. If the job profile does not demand a particular gender requirement, the tacit instructions should not carry much weight and may in fact be contrary to the policies of the company. I will report such instructions to the HR as gender discrimination is not only illegal but also vitiates the organizational culture and social image of the company. Additionally I will undertake gender-sensitivity drive by involving my peers especially the working women in my organization. By doing so I would have upheld the dictum of 'Be the change you want to see'.

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EMOTIONAL INTELLIGENCE - CONCEPTS, AND THEIR UTILITIES AND APPLICATION IN ADMINISTRATION AND GOVERNANCE

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1. Emotions: The Essential Constituent of Human Psyche

Oxford dictionary defines an emotion as 'a strong feeling deriving from one's circumstances, mood, or relationships with others' also, 'an instinctive or intuitive feeling as distinguished from reasoning or knowledge'.

Emotions are complex reactions, that involve both intense subjective feelings such as joy, anger, sorrow etc., and also emotional expressions and the ability (or abilities) to understand emotional information i.e. the ability to "read" the emotional reactions of others. In other words, emotions are generally understood as *intense feelings*, favourable or unfavourable, that are directed at someone or something.

Emotions have also been described by some theorists as discrete and consistent responses to internal or external events which have a particular significance for the organism. They are biologically given and a result of evolution because they provided good solutions to ancient and recurring problems that faced our ancestors. Therefore, they are the essential constituent of human mind. It is a well-established fact that it is almost impossible for humans to live without emotions.

1.1. Structure of Emotions

Though, there is no unanimity, but it is generally believed that emotions, as complex reactions, consist of three major components. These are: (1) physiological changes within our bodies- like shifts in heartbeat, blood pressure etc. (2) subjective cognitive states- the personal experiences we label as emotions; and (3) expressive behaviour- outward signs of these internal reactions.

1.2. Types of Emotions

Certain emotions like joy, interest, contentment, love, and similar that are pleasant and rewarding, are called positive emotions. They open up new possibilities and build up our personal resources.

On the other hand, negative emotions are associated with actions that probably helped our ancestors save their skins: escaping, attacking, expelling poison. Negative emotions can also be valuable and constructive. For example, persistent distress may motivate a person to seek help, mend a relationship, or find a new direction in life.

There is a natural tendency that people enjoy positive emotions while treating negative emotions as misery.

2. Intelligence: Concepts, Utility, and Types

2.1. Concept of Intelligence

"The true sign of intelligence is not knowledge but imagination" – Albert Einstein.

"I know that I am intelligent, because I know that I know nothing" – Socrates.

Intelligence is defined as the capacity of an individual to *think rationally, act purposefully and deal effectively* with his environment. In other words, it is the mental quality that consists of the abilities to learn from experience, adapt to new situations, understand and handle abstract concepts, and use knowledge to manipulate one's environment. It can be more generally described as the ability to perceive or infer information, and to retain it as knowledge to be applied towards adaptive behaviors within an environment or context.

Although, different investigators have emphasized different aspects of intelligence in their definitions, they all emphasised upon some sort of cognitive energy as the ultimate ground of intelligence. It is this cognitive ground which enables a person to effectively use his abilities.

However, their emphasis on the rational component as the most important constituent of intelligence, was discarded by some later thinkers.

2.2. Utility of Intelligence

The most important use of intelligence is adaptation to one's environment. For the most part, adaptation involves making a change in oneself in order to cope more effectively with the environment, but it can also mean changing the environment or finding an entirely new one. Such adaptation may occur in a variety of settings: For example, a student in school learns the material he needs to know in order to do well in a course; a physician treating a patient with unfamiliar symptoms learns about the underlying disease; or an artist reworks a painting to convey a more coherent impression.

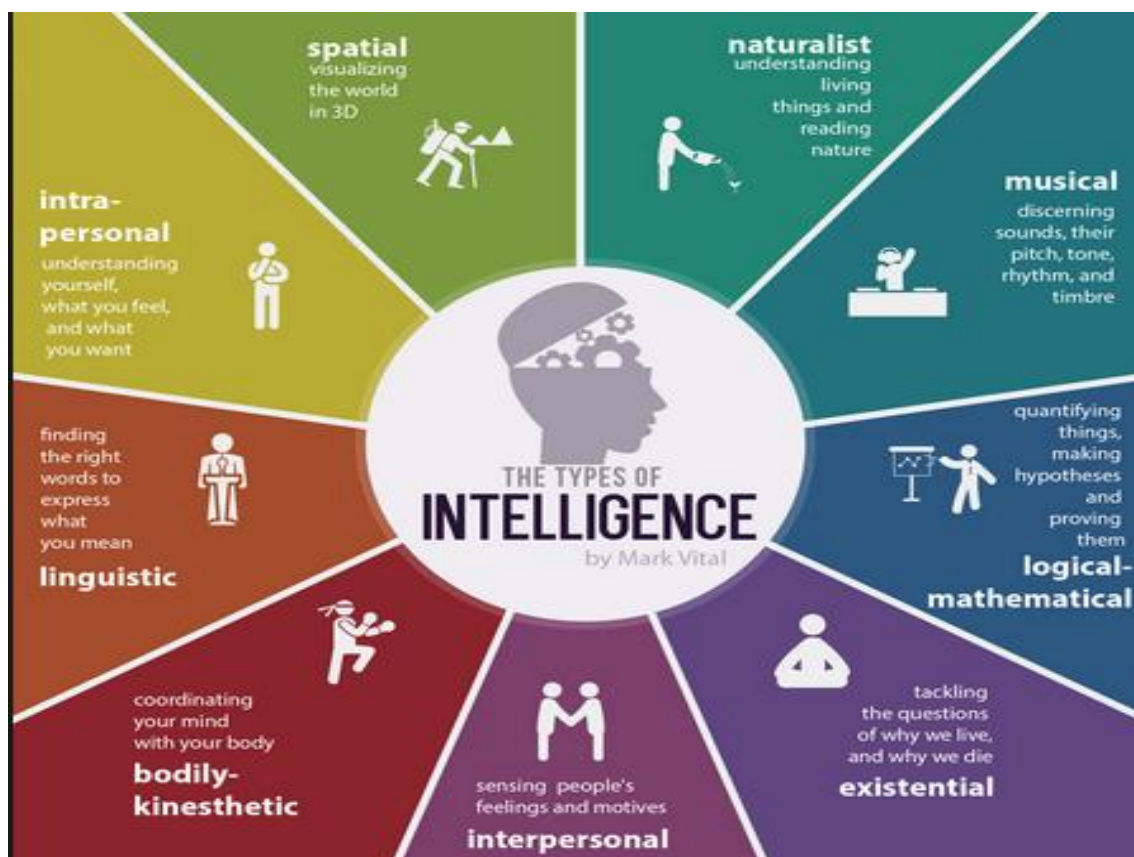
Effective adaptation involves a number of cognitive processes, such as perception, learning, memory, reasoning, and problem solving. The main emphasis in a definition of intelligence, is hence, on the fact that it is not a cognitive or mental process per se but rather on a selective combination of these processes that is purposively directed toward effective adaptation. Thus, the physician who learns about a new disease adapts by perceiving material on the disease in medical literature, learning what the material contains, remembering the crucial aspects that are needed to treat the patient, and then utilizing reason to solve the problem of applying the information to the needs of the patient.

2.3. Types of Intelligence

For a long time it was believed that intelligence was something we could detect through testing. It was believed that a person could be compared to another through the results of their IQ test. It was acknowledged that there are different types of intelligence they are all correlated—if people tend to do well on some sections of an IQ test, they tend to do well on all of them, and vice versa, and hence, a general intelligence factor could be developed for people. However, over time, many began to question the results of the IQ test.

More recently, researchers have been trying to understand the different areas of intelligence. Through new ways of exploring the workings of the brain, they began to consider 'additional intelligence factors' such as: Discipline, Persistence, Interpersonal Relationships etc.

This brought to the forth, different types of intelligence. They recognized that each of us is biased toward one type/group but through practice, we can develop the remaining types of intelligence. In this context, psychologist Howard Gardner discussed the theory of Multiple Intelligences. The theory discusses about the existence of different types of intelligence, not necessarily correlated. Everyone has a small part of all within them. However, over the years each person develops one area more thoroughly and that area then supersedes the others. A person may thus possess, say, emotional intelligence without being gifted analytically. Originally he proposed seven different types but later added naturalistic and existential intelligence to his list.



These are discussed below:

- **Linguistic Intelligence:** People who develop linguistic intelligence tend to demonstrate a greater ability to express themselves well both verbally and in writing.
- **Logic Intelligence:** People with sound logical intelligence have the ability to manage Maths and logic with ease.
- **Kinesthetic Intelligence:** Kinaesthetic Intelligence relates to the ease of bodily expression. This kind of person has a great sense of space, distance, depth and size. With greater control of the body, this person can perform complex movements with precision and ease.
- **Spatial Intelligence:** Those who have heightened spatial intelligence have the ability to create, imagine and draw 2D and 3D images. Professionals in gaming, architecture, multimedia and aerospace normally display a high level of spatial intelligence.
- **Musical Intelligence:** Musical Intelligence is a rare kind of intelligence. People with this profile have the ability to listen to sound and music and identify different patterns and notes with ease.
- **Interpersonal Intelligence:** People who display Interpersonal intelligence are practical and exhibit great sense of responsibility towards others. They are calm in their ways, they know how to listen and speak but above all, they know how to use their own knowledge and power to influence people. People who are acknowledged as born leaders are usually the ones known to possess Interpersonal Intelligence. Someone with Interpersonal Intelligence can easily identify the qualities in others and know how to bring that quality out.
- **Intrapersonal Intelligence:** Intrapersonal Intelligence is a characteristic of those who are deeply connected with themselves. This type of person is usually more reserved but at the same time commands great admiration from their peers. Among each of the seven types of intelligence, intrapersonal intelligence is considered the *rarest*.

Thus, the earlier notion of intelligence as a monolith, with the logical-mathematical concept of intelligence, gave way to the theory of multiple types of intelligence. Gardner's concept of inter-personal and intra-personal intelligence came to have profound impact on the understanding of and literature on intelligence. From these emerged the notion of social intelligence and finally the concept of emotional intelligence.

Later, Robert Sternberg, of Tufts university, put forward his Triarchic Theory of Intelligence, which argued that previous definitions of intelligence are too narrow because they are based solely on intelligences that can be assessed in IQ test. Instead, Sternberg believes types of intelligence are broken down into **three subsets: analytic, creative, and practical**. He also argued that intelligent tests were wrong to ignore creativity, and there are always other important characteristics like cognitive processes, performance components, planning and decision-making skills, and so on.

Key functions in different aspects of Tri-archic theory of Intelligence:

- 1. Componential – Analytical Intelligence:** Analytical Intelligence can also be referred to as being book smart. This form of intelligence is more in terms with the traditional definitions of IQ and academic achievement. It's also called componential intelligence. Because of its analytical nature, the person with high analytical intelligence is good at problem solving. These people are generally more able to see the solutions not normally seen, because of their abstract thinking and evaluation skills.
- 2. Experiential – Creative Intelligence:** The ability to invent new ideas and solutions when dealing with new situations is regarded as creative intelligence. It's also referred as experiential intelligence. This form of intelligence is associated with using existing knowledge and skills in order to deal with new problems or situations.
- 3. Practical – Contextual Intelligence:** In simple words, practical intelligence can be defined as street-smart. The ability of a person to adapt in an environment or change it accordingly to best suit the personal needs is dubbed as practical intelligence. Another way to understand such type of intelligence is as common sense. Dealing with the everyday tasks in the best possible manner shows the person's intelligence.

3. The Social Aspect of Intelligence

3.1. Definition

Social Intelligence (SI) is the ability to get along well with others, and to get them to cooperate with you. These are sometimes simplistically also referred to as "people skills." The original definition was given by Edward Thorndike in 1920 as "the ability to understand and manage men and women and girls, to act wisely in human relations".

Social intelligence is a person's competence to understand his or her environment optimally and react appropriately for socially successful conduct. Thus, SI includes an awareness of situations; the social dynamics that govern these situations, and a knowledge of interaction styles and strategies that can help a person achieve his or her objectives in dealing with others. It also involves a certain amount of self-insight and a consciousness of one's own perceptions and reaction patterns. Thus, SI is the ability to connect with people and influence them effectively.

It is equivalent to **interpersonal intelligence**, one of the types of intelligence identified in Howard Gardner's theory of multiple intelligences. Some authors have restricted the definition of social intelligence primarily to deal only with the knowledge of social situations, perhaps more properly called social cognition or social marketing intelligence, as it pertains to trending socio-psychological advertising and marketing strategies and tactics.

3.2. Developing Social Intelligence

Since, SI is a combination of skills expressed through **learned behaviour**, it can be developed by assessing the impact of one's behavior on others. This can be measured as the degree to which one is successful in dealing with others. One can experiment with new behaviors and new interaction strategies. In the simplest terms, this is the ability to "get along with people," which - it is assumed - people learn as they grow up, mature, and gain experience in dealing with others. Some examples of the people high on SI include Mahatma Gandhi, Dalai Lama, and Nelson Mandela etc.

Unfortunately, many people do not continue to learn and grow as they age, and many people never acquire the awareness and skills they need to succeed in social, business or professional situations. It is quite clear that adults who lack insight and competence in dealing with others can make significant improvements in their SI status as a result of understanding the basic concepts and assessing themselves against a comprehensive model of interpersonal effectiveness.

3.3. From Social Intelligence towards Emotional Intelligence

While some practitioners have included "people skills," or Social Intelligence in EI theory, but in practical terms it makes more sense to think of **EI and SI as two distinct dimensions** of competence. Social intelligence (Gardner's "**interpersonal** intelligence") is separate from, but complimentary to emotional intelligence (Gardner's "**intrapersonal** intelligence"). But we need both models in order to understand ourselves and the way we interact with others. Some deficits in SI arise from inadequate development of EI; conversely, some deficits in SI may lead to unsuccessful social experiences which may undermine a person's sense of self-worth which is part of EI.

The Emotional and Social Intelligence Model



4. Relation Between Emotions and Intelligence: The Traditional Perspective

The traditional notion of intelligence as logical or mathematical ability invariably reduces it to cognitive ability. Cognition refers to processes such as memory, attention, language, problem solving, and planning. Many cognitive processes often involve so-called *controlled processes*, such as when the pursuit of a goal (e.g., maintaining information in mind like retaining some facts) needs to be protected from interference (e.g., a distracting stimulus like a nagging noise).

Traditionally, it was believed that emotion, being non-cognitive, can't facilitate the cognitive processes. In fact, it was believed that emotions, were counter to cognitive task, because they are intense feelings. Thus, the earlier notion was either of **no relation** between emotion and intelligence **or negative relation**. For example, when we are experiencing negative emotions, like anger or depression, then it becomes very difficult to perform a constructive task, like solving a puzzle, or making good decisions.

However, Mayer and Salovey, in their concept of Emotional Intelligence (EI), discarded this necessarily negative relation between Emotions & Intelligence. It was realized that emotions aren't necessarily bottlenecks in our thinking or decision making. This leads us to the topic of Emotional Intelligence.

5. Emotional Intelligence: Integration of Emotions and Intelligence

The term EI was introduced in 1990 by Mayer and Salovey. It is described as a set of skills that involve the ability to monitor ones' own and other's feelings/emotions, to discriminate among them, so as to use that information to guide one's thinking and action. Thus, it integrates emotions and intelligence. Simplistically speaking, it is the ability to channelize emotions for constructive purposes. It must be known that emotional intelligence is not the opposite of intelligence. It is not the triumph of heart over head, rather, the unique intersection of both.

Mayer and Salovey introduced this concept as a challenge to the traditional notion of intelligence as monolithic ability i.e. only focused on cognitive ability, and to the thinkers who held emotions as obstructive to cognitive activity. EI includes the intra- and inter-personal intelligence, i.e. the ability to know oneself and others, in terms of abilities, current emotional state.

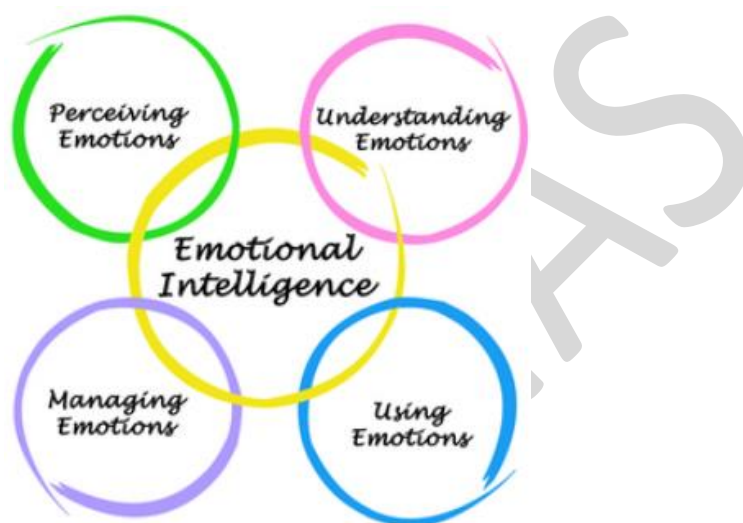
5.1. Emotional Intelligence as Proposed by Mayer and Salovey

Mayer and Salovey described EI more specifically in 1997 by outlining the competencies it encompasses. They organized those competencies along the four branches:

Four Branch Model

- **Perceiving emotions:** It refers to the ability to perceive i.e. recognize emotions and also the ability to specifically categorize the current emotional state, in oneself and in others. For example, it enables the person to understand the kind of feeling he/she or other person is going through.
- **Understanding emotions:** It is the ability of a person to comprehend the emotions in the given messages better. It also enables one to understand the relationship between emotions, thought, and behaviour. For example, with this ability one can accurately understand as to how a particular emotion can affect the thinking or action of oneself and that of others.

- **Using emotions to facilitate thought:** This model is a logical corollary of the aforementioned models, i.e. from the above two it can be deduced that emotions can act as facilitators of thinking by channelizing emotions for constructive purpose, like making appropriate decision or solving some problem.
- **Managing emotion:** It refers to the ability to take responsibility for one's emotions, and converting the negative emotions into positive ones. Its utility lies in generating the desirable emotions in oneself or in others, which are conducive to the task at hand. It is because emotions are energy for motions, therefore if desired emotions are created then efforts in the direction of task can be made easily. For example, motivating oneself and others to perform some task, like focusing on studies when otherwise it is difficult to focus; or managing the stressful situation without losing temper etc.



5.2. Model of Emotional Intelligence by Daniel Goleman

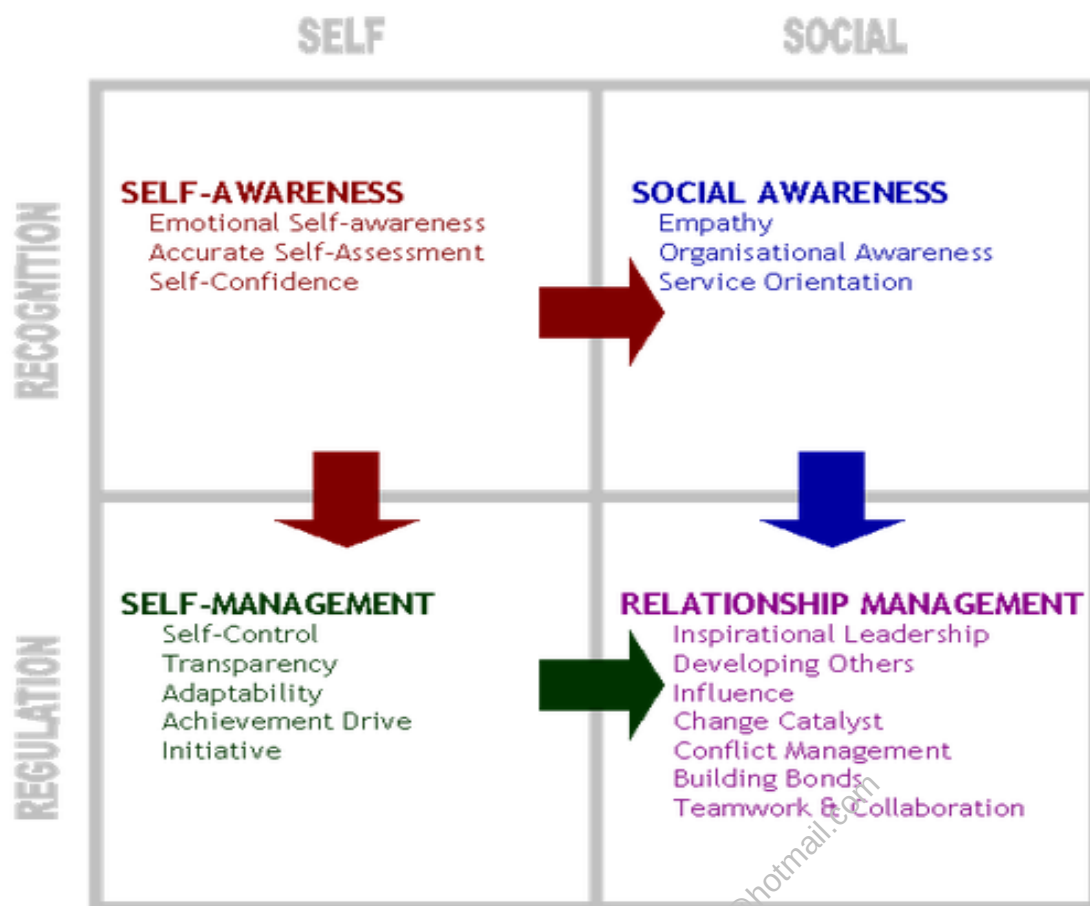
Goleman further refined the concept of emotional intelligence in 1999.

Five Component Model

- **Self-awareness:** It is the ability to recognize and understand personal moods and emotions and drives, as well as their effect on others. Hallmarks of self-awareness include self-confidence, realistic self-assessment, and a self-deprecating sense of humor. Self-awareness depends upon one's ability to monitor one's own emotion state and to correctly identify and name one's emotions.
- **Self-regulation:** It is the ability to control or redirect disruptive impulses and moods, and the tendency to suspend judgment and to think before acting. Some of its hallmarks include trustworthiness and integrity; comfort with ambiguity; and openness to change.
- **Internal motivation:** This refers to a passion to work for internal reasons that go beyond external rewards like money and status. This can be driven by an inner vision of what is important in life, a joy in doing something, curiosity in learning, a flow that comes with being immersed in an activity. Its hallmarks include a strong drive to achieve, optimism even in the face of failure, and organizational commitment.
- **Empathy:** It is the ability to understand the emotional makeup of other people. It involves imaginatively stepping in someone's shoes and emoting as per the context. It is a skill that helps one treat people according to their emotional reactions. Its hallmarks include expertise in building and retaining talent, cross-cultural sensitivity. It is important to note that empathy does not necessarily imply compassion. Empathy can be 'used' for compassionate or cruel behavior. Serial killers who marry and kill many partners in a row tend to have great empathic skills!

- **Social skills:** It includes proficiency in managing relationships and building networks, and the ability to find common ground and to build rapport. Hallmarks of social skills include effectiveness in leading change, persuasiveness, and expertise building and leading teams.

Thus, Goleman's model is more comprehensive and is most suited for effective functioning in a social system, especially in governance and administration.



An Example of Emotional Intelligence

- Some of the greatest moments in human history were fueled by emotional intelligence. When Martin Luther King, Jr. presented his dream, he chose language that would stir the hearts of his audience. He promised that a land "sweltering with the heat of oppression" could be "transformed into an oasis of freedom and justice." Delivering this electrifying message required emotional intelligence—the ability to recognize, understand, and manage emotions. Martin Luther King demonstrated remarkable skill in managing his own emotions and in sparking emotions that moved his audience to action. King delivered "a perfectly balanced outcry of reason and emotion, of anger and hope. His tone of pained indignation matched that note for note."
- Similar was Gandhi's contribution to Indian national movement. His slogan of "do or die" on the eve of Quit India Movement electrified the Indian masses, and resulted in massive movement in human history. This skills of managing one's own and others' emotions is what comes with EI.

6. A perspective on Intelligence Quotient (IQ) versus Emotional Quotient (EQ)

IQ, or intelligence quotient, is a **numerical score** derived from one of several standardized tests designed to assess an individual's intelligence. It measures the numeric-linguistic and logical abilities. Since IQ is the measure of 'intelligence' or general intelligence, which is believed to be inborn therefore, high IQ can't be developed if one is not endowed with it already.

EQ, on the other hand, is **not a numerical score**. EQ stands for emotional quotient, which represents the relative measure of a person's healthy or unhealthy development of his innate potential for emotional intelligence (EI). Two persons with same level of EI may have different levels of EQ, because EQ is the product of socialization. The development of EQ takes place because of the emotional lessons obtained from parents, teachers etc.

EQ is believed to be a better indicator of success at the workplace. People with high EQ usually make great leaders and team players because of their ability to understand, empathize, and connect with the people around them. According to Goleman, success at workplace is about 80% or more dependent on EQ and about 20% or less dependent upon IQ. As a result, many persons, high on IQ, may not be successful in life, while contrary to this, most successful people are high on EQ. The success of most professions today depends on our ability to read other people's signals and react appropriately to them.

It's not the smartest people that are the most successful or the most fulfilled in life. There are people who are academically brilliant and yet are socially inept and unsuccessful at work or in their personal relationships. Intellectual intelligence (IQ) isn't enough on its own to be successful in life. One's IQ can get him into college, but it's the Emotional Intelligence that manages the stress and emotions when facing final exams or during an interview.



IQ is primarily genetic. However, there are several ways to tap an individual's IQ to its highest potential through brain-food and mental ability exercises like puzzles, lateral thinking problems, and problem-solving techniques that make you think outside the box. EQ, on the other hand, is the ability to effectively use IQ and all other potentialities that an individual possesses to the greatest advantage. Thus, in a way, IQ is like a vehicle, but it is EQ which determines the destination. As a result, EQ is more important than IQ in reaching the highest potential development.

7. Importance of Emotional Intelligence

The chances of succeeding are skewed towards people who are better able to manage themselves and others emotionally, one's who are likeable and trustworthy. Research shows that more than 80% percent of success is due to skills in "human engineering," personality and ability to communicate, negotiate, and lead. Only 15 percent is due to technical knowledge. Additionally, Nobel Prize winning psychologist, Daniel Kahneman, found that people would rather do business with a person they like and trust rather than someone they don't, even if the likeable person is offering a lower quality product or service at a higher price.

Hence, instead of exclusively focusing on conventional intelligence quotient, one should make an investment in strengthening his/her EQ (Emotional Intelligence). The concepts of EQ may be difficult to measure, but their significance is far greater than IQ.

Simply put, emotional intelligence is that "something" within us that help us to sense how we feel and enables us to truly connect with others and form a bond. It gives us the ability to be present and listen to someone when they most need it. It is that sense of internal balance within us that enables us to keep our composure, make good decisions, communicate successfully, and maintain effective leadership even when under stress. To be specific, EI is important for the following reasons:

Know Your Emotions

Emotions are powerful reactions. If one is not aware of his emotions he can't make a sound moral judgment. Further, knowing one's emotions is the pre-requisite to express inherent feeling/affection.

Managing Emotions

Managing emotions is very important for our mental health and for keeping our interaction with others efficient. Moreover, managing emotions is the key to motivate oneself and others.

Greater Self-Awareness

It is necessary for understanding one's emotions, setting realistic goals. These are very essential for success and remaining happy.

Self-Regulation

EI enables one to exercise high degree of self-control. Therefore, EI leads to the creation of climate of trust and fairness in which infighting is reduced and chances of success are increased.

Empathy

EI enables one to thoughtfully consider the feelings of others and behave in an appropriate manner. Empathetic people are able to think of the things from others' perspective. Therefore, they are able to pick up subtle social signals indicating what others need. People with high EQ thus have greater service orientation.

Social skills

It refers to adeptness in inducing the desired behaviour in others.

8. Skills Required for Being Emotionally Intelligent

Self-Awareness

Emotionally intelligent people are aware of how they feel, what motivates and demotivates them, and how they affect others.

Social Skills

Emotionally intelligent people communicate and relate well with others. They listen intently and adapt their communications to others' unique needs, including diverse backgrounds. They show compassion.

Optimism

Emotionally intelligent people have a positive and optimistic outlook on life. Their mental attitude energizes them to work steadily towards goals despite setbacks.

Emotional Control

Emotionally intelligent people handle stress evenly. They deal calmly with emotionally stressful situations, such as change and interpersonal conflicts.

Flexibility

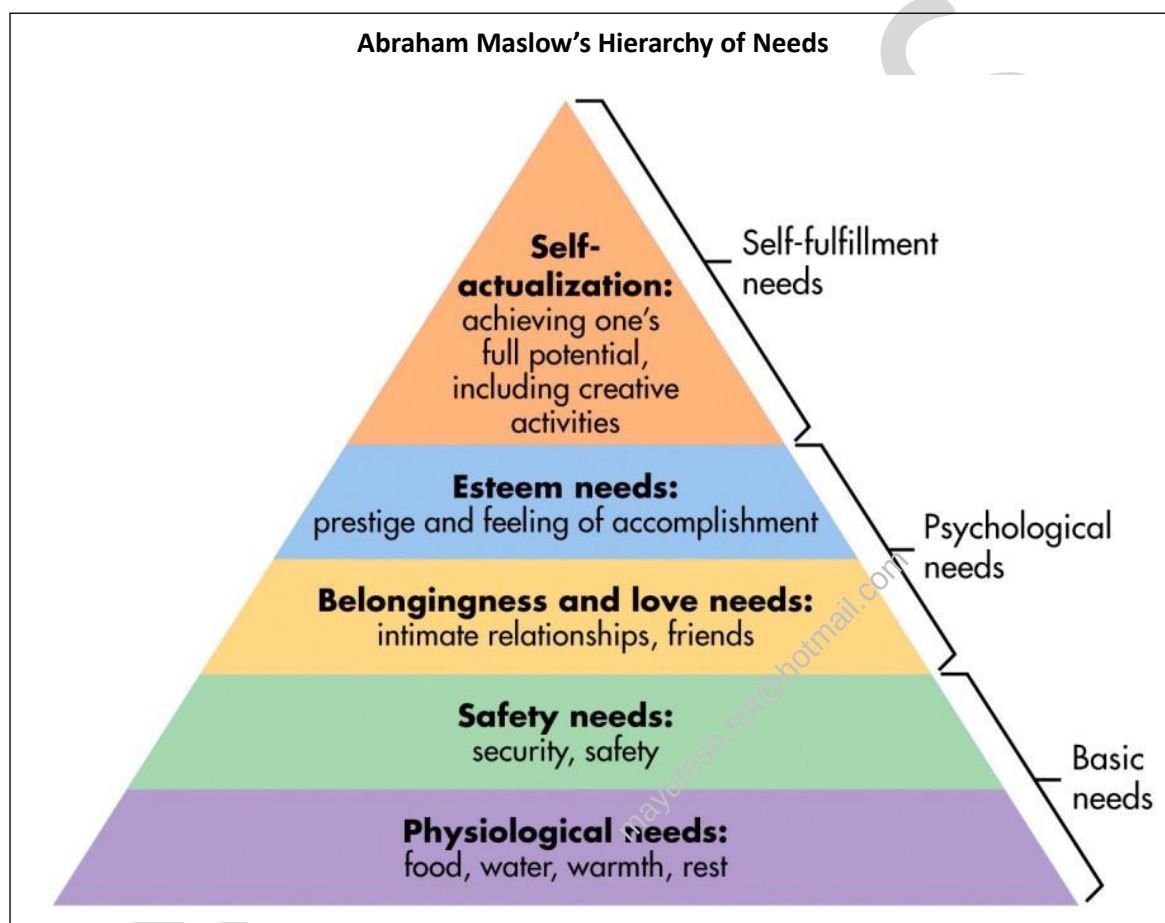
Emotionally intelligent people adapt to changes. They use problem-solving to develop options.

9. Qualities of people with Emotional Intelligence

- Authenticity and legitimacy
- Improved inter-personal relationships and therefore better satisfaction of social and esteem needs.
- Acting with integrity. Because integrity means consistency in what we think and what we do. Therefore, if one is emotionally intelligent then he would be aware of his inner self and the surrounding environment. Therefore, there would be minimum chances of mismatch.
- EI leads to reduced stress levels. It is because the emotionally intelligent people are good at managing and regulating their emotions.
- Improved career prospects. It is because, every organization is a social system where people form an inter-related and inter-dependent organic whole. People with higher EI are better at social relationships.
- Improved communication with others is the very basic attribute of EI.
- Feeling confident and positive, because of self-awareness and self-regulation.
- Respect from others: It is because EI brings in tactfulness, sensitivity, cooperativeness, and good listening qualities etc. which are necessary for favourable rapport.
- People with high EI are more empathetic, because understanding others' emotions and their perspective is also essential for EI.
- Learning from mistakes, because EI makes a person assertive, bold, and responsible for their deeds. Therefore, EI reduces the tendency of individuals to repeat mistakes.
- Benefit from criticism: Nobody enjoys negative feedback. But you know that criticism is a chance to learn, even if it's not delivered in the best way. And even when it's unfounded, it gives you a window into how others think. When you receive negative feedback, you keep your emotions in check and ask yourself: How can this make me better?
- Increased creativity, because it is believed that creativity is facilitated by the positive emotions. On the other hand, EI enables one to manage their stress levels, and be optimistic in the face of adversities.
- Managing change more confidently. It is because change is, generally, resisted by the stakeholders and a person high on EI is able to bring the stakeholders on board through persuasion and conviction.
- Fewer power games at work, because of increased cooperation and coordination induced by emotionally intelligent people at work.
- **Protecting oneself from emotional sabotage:** Emotional intelligence also has a dark side-- such as when individuals attempt to manipulate others' emotions to promote a personal

agenda or for some other selfish cause. And that's why one should continue to sharpen his/her own emotional intelligence--to protect oneself.

- **Needs and Wants:** The emotionally intelligent mind is able to discern between things that they need versus things that would be “nice to have” that classify more aptly as wants. A need, particularly in the context of Abraham Maslow’s “Hierarchy of Needs” is the basic level stuff like safety, survival and sustenance. Once those things are met, then we can progress to other needs and of course, wants. A “want” is a big house, nice car, a smartphone, etc. We do not *need* those things to survive, but rather we want them based on our own personal desires or what we perceive to matter to society. Emotionally intelligent people know the difference between these two things, and always establish needs prior to fulfilling wants.



10. Can Emotional Intelligence be Developed?

There are differing perspectives on the ability of people to develop EI. Some researchers suggest that emotional intelligence can be learned and strengthened, while others claim it is an inborn characteristic. In this context, some thinkers make distinction between emotional intelligence (EI) and emotional quotient (EQ). EI refers to innate potentiality, such that each individual is born with some innate potential for emotional literacy and emotional learning ability, and this potential is realized only when he gets favourable environment. The core of this favourable environment constitutes emotional lessons. These emotional lessons are given to us through socialization by our parents, teachers, peers etc., during our childhood or adolescence. The result of which is what is called as EQ. EQ is hence the relative measure of one's healthy or unhealthy development of innate EI. It is possible that two children with the same EI may have

different EQ or vice-versa, depending upon the socialization experiences. However, it must be clarified that either of them is not a numerical entity, like IQ.

Emotional quotient is best inculcated from an early age by encouraging qualities like sharing, thinking about others, putting oneself in another person's shoes, giving individual space and the general principles of cooperation. There are tools like toys and games available to **increase** emotional quotient, and children who do not do well in social settings are known to perform significantly better after taking SEL (Social and Emotional Learning) classes. **Adult EQ can also be enhanced, although to a limited extent through effective coaching.**

There are some medical conditions like high functioning autism (HFA) or Asperger's where one of the symptoms may be low-empathy. While some studies found that adults with Asperger's have low-empathy, there have been studies with control groups that indicate EQ can be changed in individuals with HFA or Aspergers.

11. Developing Emotionally Intelligent Leadership

Leadership is a process of social interaction where the leader's ability to influence the behavior of their followers can strongly influence performance outcomes. Leadership is intrinsically an emotional process, whereby leaders recognize followers' emotional states, attempt to evoke the right emotions in followers, and then seek to manage followers' emotional states accordingly.

Leaders increase group solidarity and morale by creating shared emotional experiences. EI is a key factor in an individual's ability to be socially effective and is viewed as a key determinant of effective leadership.

A big part of being a leader involves being credible, or honest and trustworthy. Being credible helps us to earn respect from others. People also listen to someone who they feel has their best interests at heart.

In emotional-intelligence terms, one earns this trust by using empathy. If a person is empathic, one is more likely to gain the cooperation of others because they show concern about others' welfare. If someone acts in a self-serving or callous manner, people are more likely to avoid the person. As part of the strategy for getting people to follow, one should try working towards winning over them. This can be done with following attributes:

- **Self-regard:** Having high self-regard means that one has a good understanding of his strengths and weaknesses. Acting on this understanding requires that you have good self-knowledge and effectively strike a balance between being confident and being arrogant. People are more comfortable helping others who demonstrate the right amount of humility.
- **Optimism:** People find optimism and happiness attractive attributes. People are more likely to cooperate with someone who's optimistic.
- **Happiness:** Happiness, like optimism, attracts people. When we're happy others are more pleasant to be around. Being happy add to "likability" factor.
- It can also be contagious. Everybody likes to be happy, and being around happy people contributes to one's own happiness.

12. Role of Emotional Intelligence in Administration and Governance

Many civil servants despite being extraordinarily talented, conceptually brilliant and having a very high IQ., are not particularly likeable people. Many of them are aggressive and brutal in their response to the outside world. They have little or no feeling for people around them.

They feel physiologically awkward in their relationships; have no social graces or even a social personal life. Being uncomfortable with themselves and making people uncomfortable becomes a routine response in their life.

Apart from this, it has also been noticed that risk taking behaviour, and bold decisions are needed in discharging the responsibility of public services, especially in a developing country like India. Civil servants need to be adept at handling people effectively since it forms a major part of their responsibilities. Further, the civil servants are the trustees of public interest and are entrusted to make policies. Therefore, they need to be high on EI, because without EI it would be difficult to be empathetic to different sections of the society, to be firm in their approach, and to be good change agents.

Emotionally Intelligent Administrator

Emotionally intelligent leaders are centered and grounded. Such leaders display a stable mood, aren't erratic or extremely unpredictable in their behaviour, and they tend to possess these traits:

- **High self-regard:** Good leaders have high self-regard. Leaders who claim to know it all tend to be poor leaders. Good leaders know their strengths and capitalize on those strengths, as well as know their weaknesses and fill the gaps with people who have strong skills in these areas.
- **Maintain balance in life:** Good leaders also seem to know how to balance their personal and work lives. They tend to avoid burning out by managing their time well. If a person can manage his own life well — including stress, home life, fitness, and diet — then he has a better chance of managing the workplace well.
- **Model the way:** Successful leaders say what they want to accomplish and get it done. The leader needs to walk the talk if he wants others to follow. In emotional intelligence terms, this practice involves assertiveness and independence. People who are assertive and articulate have no difficulty expressing their thoughts, feelings, and beliefs. Also, people, who are independent, listen are to and take in the advice of others, but in the end, make their own informed decisions. Independence implies acting in order to carry things out.
- **Inspire a shared vision:** As a leader, one must convince others that he/she understands others needs and have their best interests at heart. Inspiring a shared vision requires a good deal of empathy and optimism for it gives our vision a positive and desirable flavour so that others want to share in it. Our empathy ensures that we hit the right chord in terms of what others want to see and hear from us.
- **Challenge the process:** An emotionally intelligent leader strives for change. He looks for opportunities to improve and grow and also to experiment and take risks. One of the key emotional intelligence skills that are needed in order to challenge the status quo is flexibility. Flexible people are more likely to try new things, take risks, and face new challenges without fear.
- **Enable others to act:** Success requires a team and leaders, by definition, require followers. Leaders can empower others in a variety of ways. They enable others by fostering collaboration and building trust. Successful leaders share power, delegate well, and do what's necessary to help others perform. In terms of emotional intelligence, there is a need of self-regard and interpersonal skills to enable others to act. In order to build successful relationships, you need the skills to engage and relate to others in a meaningful way.
- **Stay composed under pressure:** Good leaders don't flare up or lose control under difficult circumstances

- **Encourage others:** A key component of this practice involves recognizing the contributions of others. Rewarding people for their participation goes a long way in motivating them to be part of our team. Leaders who encourage others not only need to know how those people feel but need to be capable of building relationships with them, as well.

A Case Study

The tale of 2 civil servants will elaborate the point. Ravi and Sunil having same credentials, superb grade point averages from leading schools and universities, going for identical professional training as probationers, moment they join their respective postings as fresh magistrates, all similarity disappear. Though academically brilliant, Ravi believed that it was his administrative and technical proficiency that counted most on the job. Though not brilliant academically than Ravi, Sunil was adept interpersonally. On the job, few years later, Ravi was seen as a better administrator ending up being transferred every 6 months and Sunil, was recognized as a person who could work well in a team and take initiatives, devoting adequate time to his work, know his co-officers, projects and concerns and believed that one of the most effective ways for him to be accepted into the team was by helping out. Ravi failed to realize that building bonds was a crucial competence for his job. His co-officers knew that he was administratively adept, but they had little faith in his ability to work in a team. Sunil showed excellence in several emotional intelligence competencies which Ravi despite having an impressive curriculum vitae needed to master.

13. Dark Side of Emotional Intelligence

Emotional intelligence is important, but the unbridled enthusiasm has a dark side as well. New evidence shows that when people hone their emotional skills, they become better at *manipulating others*. When you're good at controlling your own emotions, you can disguise your true feelings. When you know what others are feeling, you can tug at their heartstrings and motivate them to act against their own best interests. Especially when they have self serving interests, EI becomes a weapon for manipulating others.

Social scientists have begun to document this dark side of emotional intelligence. In emerging research led by University of Cambridge professor Jochen Menges, when a leader gave an inspiring speech filled with emotion, the audience was less likely to scrutinize the message and remembered less of the content. Ironically, audience members were so moved by the speech that they claimed to recall more of it.

One observer reflected that Hitler's persuasive impact came from his ability to strategically express emotions—he would “tear open his heart”—and these emotions affected his followers to the point that they would “stop thinking critically and just emote.” Leaders who master emotions can rob us of our capacities to reason. If their values are out of step with our own, the results can be devastating.

14. To Conclude

Succeeding in life largely depends on succeeding socially, and a large part of social success depends on EQ. But as a growing body of research shows, EQ can be used to orchestrate ‘win-lose’ as well as ‘win-win’ outcomes. Of course, people aren't always using emotional intelligence for nefarious ends. More often than not, emotional skills are simply instrumental tools for goal accomplishment.

Appropriate level of EI demands capacity for appreciation of ‘interconnections’ of matters which are seemingly unrelated but together influence the outcome of a public policy or project. Emotional Intelligence, thus, has to be factored in administrative justice, and it may even be called ‘constructive emotional intelligence’.

15. A Case Study on Emotional Intelligence

An accountant, Julie, working on a long-term and complex project needed to learn new skills that no-one else in the organisation had. For a time she was becoming disheartened and not getting the support she needed because her manager did not sufficiently understand the complexity of the task.

After being left on her own for several weeks she was making slow, steady progress.

Unexpectedly, she got an email from her manager which was very positive about her progress and her approach to the project. The email was a total surprise as it was atypical of that manager to send anything like that. The result was a burst of enthusiasm from Julie and a greater willingness to battle on, learn more and put "the slog" in to meet the unrealistic deadline.

The manager was showing his ability to manage the emotions of others which is the sixth dimension of emotional intelligence.

From this example, it is illustrated that how generating appropriate emotions in the colleagues or subordinates can do wonders in accomplishing difficult goals. The idea is emotions are the energiser of our behaviour, therefore emotional intelligence enables us to manage emotions and sustaining them.

16. UPSC Previous Years Question

2013

1. What is 'emotional intelligence' and how can it be developed in people? How does it help an individual in taking ethical decisions?

2016

1. Anger is a harmful negative emotion. It is injurious to both personal life and work life. (a) Discuss how it leads to negative emotions and undesirable behaviours. (b) How can it be managed and controlled?

2017

1. How will you apply emotional intelligence in administrative practices?

17. Vision IAS Test Series Questions

1. ***"Emotion can lead to our worst decisions or our best ones: The difference is emotional intelligence." In light of the given statement, illustrate how emotional intelligence is critical in decision making. How can it help a civil servant in taking prudent decisions?***

Approach:

The basic theme of the question is "criticality of emotional intelligence in decision making". Accordingly, the answer can be framed in following manner:

- In the introduction, discuss how emotions influence the decisions of an individual and how emotions lead to good or bad decisions.
- Thereafter, introduce the concept of emotional intelligence. Demonstrate how EI makes the difference in decision-making.
- Conclude by citing relevance of emotional intelligence in decision-making activity of a civil servant.

Answer:

Almost from the beginning, the decision-making experts encouraged to think that making decisions is a rational process involving facts and analysis. However, in reality decisions are acts of judgment made by people. These judgments are shaped and formed in our brain, through processes that are just now being understood. In fact, in many instances, the real driver of our actions is our emotions.

Many experts and empirical studies warn decision-makers about the perils of making decisions when one is emotionally aroused. The important thing here is not the presence of emotions, but the way in which the individuals interpret and deal with emotions. When an individual appropriately deals with emotions, he/she is able to make better decisions. The more skilled a person is in dealing with his/her emotions, the more likely that person is to make more correct decisions.

Emotional Intelligence is defined as individual abilities that enable an individual to perceive, thoughtfully use, understand, and manage emotions to achieve a productive end. When emotions are elicited in any decision making process, they are processed by abilities included under emotional intelligence. Decisions involve the use of cognitions and emotions in varying amounts.

For example, when faced with a situation eliciting intense anger, a person could make an unethical decision prompted by that anger, rather than going through a rational, multi-step process. Take example of law enforcement agencies. When faced with hostile environment, they may commit revengeful acts.

In the civil services, therefore, emotional intelligence is beneficial to manage the emotions in a manner that will be helpful to achieve productive outcomes. High-EI individuals, therefore, could reduce the effects of negative emotions like anger or rage on their decision-making. Rage and anger are not only removed as hindrances, but also used to enhance the quality of decisions. Therefore, emotionally intelligent civil services could result in better decisions especially when more negative emotions accompany decisions.

2. *Is Emotional Intelligence influenced by cultural moorings? How would you differentiate the applicability of Emotional Intelligence in Indian society from that of Western society?*

Approach:

- Discuss how EI gets affected by cultural values.
- Differentiate the application of Emotional Intelligence in Indian and western context.

Answer:

Emotional intelligence is the ability to identify and manage our own emotions and the emotions of others. Studies have shown that a part of emotional intelligence ability is innate while another part can be changed through learning and experience; this later part dominated by culture provides the structures, guidelines, expectations, and rules to interpret behaviors.

Although emotions are known as universal phenomena, most researchers believe that the way in which they are being experienced, expressed, perceived, and regulated can be influenced by cultural norms.

Culture affects emotional functioning by identifying which emotions are negative or positive, when emotions should be expressed and even how emotions should be displayed.

Several ethnographic studies suggest there are cultural differences in social consequences, particularly when it comes to evaluating emotions.

Explicit expression of emotions like anger, love, frustration etc. are considered as uncouth and are restrained in public in collectivistic cultures, but the same is considered essential in individualistic cultures. Thus in America, parents encourage emotional expression while suppression of emotion is often disapproved.

Thus, the way people perceive, regulate and exhibit emotions varies according to their cultural background.

Applicability of EI in India and the West

EI is embedded in Indian philosophic tradition, which stresses the powerful nature of emotions. These emotions need to be harnessed for a harmonious life. For example, the Bhagavad-Gita refers to the emotionally intelligent person as a 'Sthithapragnya' (the emotionally stable person). A 'Sthithapragnya', according to Lord Krishna is one who remains unperturbed in the face of calamity, and takes good or evil with equanimity. He has the power to emotionally attach or detach from any situation, at his will.

The following differences may be listed:

- Western approach deals largely with how we conduct ourselves with people around us in different settings. But Indian approach also has soteriological purpose, i.e. to achieve self-control for getting Moksha by performing our Dharma. It also teaches us to maintain equanimity of mind by detaching ourselves from the end results.
- In India, individuals see themselves as interdependent with their groups (collectivist culture), whereas in West, people are independent and give more importance to personal goals and personal needs (individualistic culture).
- Indian employees usually prefer a more directive, task-oriented style of leadership, compared to the participative style advocated by western managers.

3. ***Emotions, earlier considered as an irrational factor in decision-making, are now recognised as a critical factor of judgment. In this regard, answer the following questions: (a) How can Emotional Intelligence help in coping with the intense pressure and occupational stress faced by police officers and armed forces in discharge of their duties? (b) What are the some of the concerns in incorporating and assessment of emotional intelligence skills in public service?***

Approach:

- Give a brief explanation of Emotional Intelligence (EI).
- Explain how it can help police and armed forces in dealing with occupational stress and pressure.
- List some of the concerns that arise while incorporating and assessing EI skills in public service.

Answer:

Emotional intelligence (EI) is the ability to identify, use, understand, and manage one's emotions as well as emotions of others in positive ways to relieve stress, communicate effectively, empathize with others, overcome challenges and defuse conflict.

Emotions were earlier treated as an irrational factor that distort reasoning and thus, affects decision-making. However, with emotional intelligence, emotions were recognized as an important part of decision making. In the work of public officials, certain situations involving issues related to vulnerable sections of population require understanding of emotions for optimal decisions. Thus, emotional intelligence is necessary. It can help segregate purely emotional decisions or decisions arising out of anxiety from decisions based on rational factors.

(a) Police officers and members of the armed forces face occupational stress due to factors like isolation from family and friends, hostile environment especially in areas where people oppose their posting, adherence to strict rules and occupational hierarchy, intense workload, role ambiguity, abysmal living conditions, danger/threat to their lives especially in combative areas, among others.

In such situations, EI can help them cope with pressure and stress. The cornerstones of EI include:

- **Self-awareness:** knowing one's emotional and mental state in such physically taxing jobs and taking actions to avoid depression as well as extreme steps, such as recent news of officers committing suicide.
- **Self-management:** ability to control oneself even in difficult times such as overstretched working hours, emergency situations etc.
- **Social awareness:** including empathy towards fellow officers especially subordinates as well as citizens while dealing with their grievances.
- **Relationship management:** maintaining a balance between professional and personal relationships and developing the ability to support one's family emotionally even when one can't be there physically.

Moreover, in conflict situations where the public is wary of officers, EI can help in open communication and respect for opposing viewpoints.

However, it should be noted that the duties of police personnel and members of armed forces essentially constitute use of proportionate force to maintain law and order and hierarchical leadership is essential for maintaining the chain of command in these forces. Hence, understanding of EI in these forces should be modeled along these parameters.

(b) Some concerns in incorporating and assessment of EI in public services include:

- **Measurement of EI:** Although, there are tests for measuring EI such as Mayer-Salovey-Caruso EI test (MSCEIT), Wong's EI scale etc., their validity is questioned as the results are not deemed objective and reliable. Hence, lack of validity dilutes the importance of administering these tests among public servants.
- **Appropriate stage:** Even if incorporated, there is no indication on whether the tests will be conducted during hiring stage or promotion stage. The weightage of EI tests in successive stages has not been determined.
- **Inflexibility in services:** Public services are characterized by rigid structure and disinclination towards change, right from the hiring process to promotion and retirement. Hence, there is less scope of introduction of new practices in such inflexible organizations.
- **Dynamic environment:** Public servants work in dynamic environment where various kinds of emotions need to be dealt with. Thus, ability to completely incorporate and assess the emotional intelligence in this scenario will be difficult.

- **Balancing with other parameter:** Factors such as competitive exams, educational qualifications, physical fitness etc. are given more importance while hiring personnel in the public services, thus there is a need to strike a balance.

Hence, EI is not yet an important component of public services in India. However, it should be considered as pertinent to public servants as they should be responsive and sensitive to people's needs, especially, in an environment of constant change.

18. UPSC Previous Years Question Papers: Case Studies

1. ABC Ltd. is a large transnational company having diversified business activities with a huge shareholder base. The company is continuously expanding and generating employment. The company, in its expansion and diversification programme, decides to establish a new plant at Vikaspuri, an area which is underdeveloped. The new plant is designed to use energy efficient technology that will help the company to save production cost by 20%. The company's decision goes well with the Government policy of attracting investment to develop such underdeveloped regions. The Government has also announced tax holiday for five years for the companies that invest in underdeveloped areas. However, the new plant may bring chaos for the inhabitants of Vikaspuri region, which is otherwise tranquil. The new plant may result in increased cost of living, aliens migrating to the region, disturbing the social and economic order. The company sensing the possible protest tried to educate the people of Vikaspuri region and public in general that how its Corporate Social Responsibility (CSR) policy would help overcome the likely difficulties of the residents of Vikaspuri region. In spite of this the protests begin and some of the residents decided to approach the judiciary as their plea before the Government did not yield any result.

(a) Identify the issues involved in the case.

(b) What can be suggested to satisfy the company's goal and to address the residents' concerns?

2. A private company is known for its efficiency, transparency and employee welfare. The company though owned by a private individual has a cooperative character where employees feel a sense of ownership. The company employs nearly 700 personnel and they have voluntarily decided not to form union. One day suddenly in the morning, about 40 men belonging to political party gate crashed into the factory demanding jobs in the factory. They threatened the management and employees, and also used foul language. The employees feel demoralized. It was clear that those people who gate crashed wanted to be on the payroll of the company as well as continue as the volunteers/members of the party. The company maintains high standards in integrity and does not extend favours to civil administration that also includes law enforcement agency. Such incident occur in public sector also. (20 Marks) (250 Words)

(a) Assume you are the CEO of the company. What would you do to diffuse the volatile situation on the date of gate crashing with the violent mob sitting inside the company premises?

(b) What can be the long term solution to the issue discussed in the case?

(c) Every solution/action that you suggest will have a negative and a positive impact on you as (CEO), the employees and the performance of the employees. Analyse the consequences of each of your suggested actions.

19. Vision IAS Test Series: Case Studies

1. *You are officer-in-charge of a very important railway junction, which is an artery of trade and commerce. A peasant disturbance has been brewing in your district for the past few weeks. Their discussions with the political and district leadership has borne no fruit and it has come to the stage that now they are protesting by organizing a sit-in on the railway tracks near the station. They have thereby succeeded in blocking movement of all trains. This disruption is causing significant harassment for the passengers waiting at the platform as well.*

(a) What will be your course of immediate action?

(b) How can emotional intelligence act as a tool in handling this issue?

(c) What steps will you take so that such incidents are not repeated in the future? 2017-11-860

Approach:

- Mention what your immediate action will be given the situation.
- Explain the importance of emotional intelligence in handling the issue.
- Then highlight the steps that you would take so that such incidents are not repeated in the future.

Answer:

a) Being an officer in charge of the railway station it is my duty to ensure that the railway operations do not get affected by the ongoing protest. I will make sure that the railway tracks are cleared by using persuasion, warning and all other legal means available. I will also seek help from district administration to ensure that smooth functioning of the critical railway junction is not hampered. Additionally, I will ensure that the passengers face minimum inconvenience by providing timely communication to the passengers about the current situation, ensuring basic amenities like water, medical aid etc. at the station. Safety of the passengers at the station will also be taken care of.

b) Emotional intelligence is very crucial to handle the above situation.

- Emotional intelligence is helpful in keeping oneself calm and composed. Coordination at many levels – district administration, angry protesters, passengers and senior officials of railway – in such situation is likely to generate huge mental pressure.
- The officer should empathize with the emotions of the crowd and win the trust of angry peasant protesters who are full of doubt. The officer must base arguments on huge economic loss, inconvenience to general public and the legal consequences to convince them for dropping this method of protest and engage in meaningful talks with the political leaders.
- Some passengers may have urgent reasons to travel and the current situation requires that the emotions of passengers showing regret with the current service needs to be understood. The officer must show emotional maturity in dealing with such passengers.

(c) First, I would ensure that those who are involved in blocking the railway lines get adequately punished. This will dissuade anyone in future to attempt the same. Additionally, I will create public awareness about the legal aspects of such actions which will educate the public and will prevent such incidences.

While protesting for certain issues is not wrong but the mechanism to be adopted should be peaceful and within legal means. In any case, illegal means of protest like blocking railway lines is not acceptable in a democracy where various avenues of staging dissent are available.

2. *You are the CEO of a film production company, which has not been doing well financially for some time. Your company is now relying on its forthcoming movie, which is about to be released shortly. The movie has a cast of reliable actors and even before its release, trade pundits have predicted that the movie will be a hit. However, you face a conundrum as one of the actors in the movie is a citizen of a neighbouring country with which relations have been disturbed and a war like situation exists. While the political atmosphere was different when the movie was being filmed, now there is a widespread public demand, with a local political party at the forefront, for replacing the actor from the movie or a ban on the release of the movie itself, if the actor is not replaced. While you are aware of the mood of the nation and the public repercussions of releasing the movie in its present form, you also know that it is not feasible to replace him at this stage as he has a substantial role in the movie. There is also a section in the film fraternity that does not want you to compromise in the wake of threat by the local party as it compromises freedom of speech and expression as well as artistic creativity.* 2017-13-860
- (a) What are the options available to you?
- (b) Evaluate each of the options and state their merits and demerits.
- (c) What course of action would you take and why?

Approach:

- State the options available to you as a CEO of the company.
- Evaluate the merits and demerits of the available options.
- State your course of action, with reasons.

Answer:

In this case, the issues involved are

- Securing corporate interests as a CEO of the company.
- Stifling of freedom of speech and expression guaranteed by the Constitution under Article 19 (1) (a) and political coercion and intimidation.
- Questioning one's nationality based on one's professional decisions, interference with artistic creativity and hiring practice.
- Widespread public sentiment guided by the changing political atmosphere.

The stakeholders involved are:

- CEO of the production company who is relying financially on the upcoming movie.
- The movie star who belongs to a neighbouring country with which a war like situation exists.
- Rest of the cast and crew who worked hard to complete the film.
- Members of the local party who have threatened to ban the movie due to the presence of the mentioned actor.
- Film fraternity as a whole with the broader issue of freedom of speech under question.
- Audience in general who will be the ultimate judge of the movie and its casting.

Options available in this scenario and their merits and demerits are:

- Agree to the demands of the party and replace the actor.
 - Merit: As a CEO, my ultimate interest is the company's profit. The company is relying financially on the forthcoming film and it is important that the film releases.
 - Demerit: However, doing so leaves avenues for political parties to repeat such threats. Additionally, replacing the actor requires reshooting his scenes, which is not feasible.

- Take a firm stand and release the film as it is.
 - Merit: It is a courageous act of protecting the interests of company, its staff and the whole film fraternity. It will be step towards building free and liberal society by sending a wider message of artistic creativity and freedom of speech and expression.
 - Demerit: However, this can lead to chaos and unanticipated consequences if the party does what it has claimed. Also, since there is a widespread public opinion, I may suffer losses.
- Minimize the number of scenes the said actor is a part of with only the essential scenes.
 - Merit: This will help in neutralizing the widespread public opinion against the movie which will help me financially since it is predicted to be a success.
 - Demerit: However, this implies suppression of freedom of speech and expression guaranteed by the Constitution and artistic creativity. Further, there is no guarantee that such demands won't be repeated in the future.
- Postpone the release of film for some days and wait for the public sentiments to subside
 - Merit: It will protect the film in its original form, provide more time for decision making and protect the interests of the movie star. Since the movie is good, it may get a good response, which may help in generating high revenues for the company.
 - Demerit: A delay in release has certain financial implications and it may demoralise the crew members. Also it may only amount to delaying the inevitable rather than resolving the issue.

Course of action

- I will approach the party leader and reason it out with him/her. But, if he/she refuses, I will release the film with the said actor. I will also approach the local police and state leaders to ensure that the film releases without any obstacles.
- Additionally, I will request the support of the film fraternity and associations of various producers, theatre owners etc. as a measure of solidarity. I will also request the audience to give the film a fair chance and separate an actor's work from his/her nationality via social media and other mediums of interaction.
- It is important to take a stand as art transcends national boundaries and hiring actors who belong to other countries is not a yardstick for measuring patriotism and nationalism. Moreover such actions at home may also adversely affect Indian artists working in the neighbouring country.

3. ***You and your friend are living together in a metropolitan city and preparing for civil service examinations. While you manage to meet your daily targets, you sense that your friend is unable to cope up with the pressure of the exam. Fear of not passing the exam and meeting the expectations of his family is stressing him further. You realise that with time your friend is losing interest in everything and often talks about committing suicide if he is unable to meet his goal. He is also missing out on meals and prefers to stay indoors when asked to venture out. When you sought professional help, the doctor diagnosed your friend with clinical depression. Being aware that your friend needs professional counselling and psychiatric care, you reach out to his parents who reside in a rural area. They rebuff you for suggesting counselling and instead reiterate that nothing is wrong with him. They sternly mention that your bringing up the matter will only make people engage in loose talk. They also ignore***

you when you politely inform them that it is not wise to ignore one's mental health. Your friend's parents see his state as a sign of failure and decide to call him home where he can continue with his preparation. You are aware of the gravity of the situation if your friend goes back to his house. You also know that there is very little awareness about mental health and that the solution is not to ignore it but to take necessary measures to tackle it.

(a) As a concerned friend and an aspiring civil servant who can frame policies for the public in the future and has a moral duty towards them, what are the options available to you in such a situation?

(b) Evaluate each of these options and choose the option you would adopt, giving reasons. 2017-13-861

Approach:

- State the available options and their impacts in this situation
- List the pros and cons of each of the possible options and state the eventual course of action.

Answer:

- a) The options available to me in this scenario are:
1. Convincing my friends' family to keep my friend in the city and taking responsibility for his treatment.
 2. Not pursuing the matter any further once his parent don't listen to my advice.
 3. Let him go back to the village as his parent desire but helping him in other possible ways.

b) Evaluating each option

- 1) Convincing my friends' family to keep my friend in the city and taking responsibility for his treatment.**

Considering the fact that my friend is suffering from suicidal tendencies, his life is at great risk and as a friend and well-wisher I must ensure that he gets professional help from a psychiatrist. The fact that his family is not aware about the gravity of the situation due to rural background necessitates my intervention even further.

However, this will come at the cost of my precious time which I need to devote to my studies. This may also enrage my friend's family members who are against any medical intervention to the problem due to social fears. Medical cost may also be an issue which may arise.

- 2) Not pursuing the matter any further once his parents don't listen to my advice.**
As my friend's parents do not consider my advice useful, I may focus back on my studies leaving the matter solely in their hands.

This will be an escapist route and may lead to adverse consequences for my friend, his family and even for me as any harm to my friend will also impact my mental state and my preparation for the upcoming exams. This will amount to selfish and mean behaviour.

- 3) Let him go back to the village as his parents desire but helping him in other possible ways.**

This may help him as he will be close to his family, which may provide the much needed psychological support. As health is the utmost priority here, a bit of sacrifice of regular studies is not an issue.

But professional advice and intervention is still sought which may not be readily available in a rural area.

Possible Course of Action

First, I will try to educate my friends' parents about Depression, its implications and will apprise them of the professional advice which was given in this case. Asking the doctor to convince my friends' parents about the treatment may also be useful.

Regarding whether my friend should stay here or go back to his village for studies should be decided on the basis of professional advice, availability of psychiatrist in the village and his convenience.

Taking a break may help especially in reviving his interests which he is losing fast. I will also try to help him in meeting his daily targets which are bothering him and are a cause of stress for him. Additionally, I will also suggest him to break the targets into smaller tasks.

Lastly, I will make my friends' parents aware about the hard work my friend is putting into this exam which should be praised.

As competitive exams are extremely stressful and mentally taxing, an aspirant may at times face anxiety or depression which must be treated like any other health anomaly. As a friend/partner/relative etc. of a person who suffers from depression, we should ensure that we do our best to normalize the situation for the person diagnosed with it and support him/her in every stage of treatment.

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APTITUDE AND FOUNDATIONAL VALUES FOR CIVIL SERVICE & DEDICATION TO PUBLIC SERVICE

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1. Aptitude

Background

We cannot say with certainty that a person is born with some skills or inclinations towards certain actions/tasks/professions. What we can say is that the experiences one is subjected to since infancy do have a role to play in developing preferences for certain tasks. Further, subjecting two people to similar experiences will not always evoke similar emotional or behavioral response. Also, the knowledge or experience retained from one particular event will vary from person to person. Everyone views the reality in his/her own way, reacts based on their own previous knowledge & experience, and finally retains only what one thinks fit. Thus, our past experiences shape the way in which we view the present and develop an inclination how will we react in future. For example, when a horrific crime like rape is committed, some blame the victim, others put responsibility on police or on family, society, etc. The event is the same but different people view it differently. Further, different people learn different lessons from the same event – someone might want to become part of the police force to improve law & order, someone else might be moved by the plight of the victim and may be willing to open a rehabilitation center, someone might want to campaign for broader women issues and someone else might want to simply restrict women's freedom. The broader point is – our experiences shape our thinking in unique ways and this subconscious thinking shapes our preferences, ultimately influencing (but not determining) how we will respond to an event in future.

Definition and Explanation

According to oxford dictionary, 'Aptitude' is the natural ability to do something, a natural tendency. 'Natural' here refers more towards the sum total of experiences that a person has had rather than simply meaning 'by-birth'. A person with an aptitude for boxing, if given necessary training, can develop the ability to a great extent. On the other hand, if a person has no aptitude for boxing, no amount of training can bring about any appreciable change in his performance. ***Aptitude is the combination of abilities and other characteristics, whether native or acquired, known to be indicative of an individual's ability to develop proficiency in certain particular area.*** It refers to the capacity or ability to acquire skill or knowledge in a particular area, on basis of which future performances can be predicted.

As per the Encyclopedia of Educational Research (1960), an aptitude may be defined as 'a person's capacity or hypothetical potential, for acquisition of a certain more or less well defined patterns or behavior involved in the performance of a task with respect to which the individual has had little or no previous training'. To put it simply, Aptitude is a group of characteristics deemed to be symptomatic of an individual's ability to acquire proficiency in a given area. It thus has a futuristic reference. Skill, on the other hand, is acquired through training. Aptitude is not skill. Skill is acquired and constantly upgraded through training and learning. Aptitude is what is there, but could be nurtured.

As explained in the opening section, aptitude is neither completely innate nor completely acquired. It is to some extent an inborn endowment but it also is a product of interaction between innate & environmental conditions. The endowment of aptitude varies from person to person. Everyone has some aptitude for a particular task; however people simply differ in the degree to which they possess the aptitude for the particular task. For example, many would like to become officers of the Armed Forces, but only a few get through. One, among many, factors is that their aptitude for service in the armed forces is adjudged lesser as compared to others based on pre-determined set of qualities which the SSB (Service Selection Board) looks for in candidates. Aptitude is not merely a preference which someone shows. It is the possession of certain qualities that will help someone perform better in a task than others.

To become an officer in defense or police services, you need to have both physical and mental aptitude; for being a good sportsman one needs aptitude of psycho-motor coordination. Problem arises when one is in a profession not suited by his/her aptitude. A person becoming a cricketer because his father was a great may not be able to deliver best results unless he himself has the aptitude required for the sport. Remember carefully – aptitude looks at the future potential. It, however, is the **present condition – a pattern of traits which are there presently and are deemed to be indicative of potentialities.**

1.1. Types of Aptitude

Aptitude is generally categorized as **physical** or **mental**.

Physical aptitude means the physical characteristics for performing some task successfully. For example, armed forces require a specific set physical features, like height, strength etc.

Mental aptitude means certain specific set of mental qualities needed to perform some tasks successfully. This is further characterized as general mental ability and value orientation. The former implies an ability to think rationally, while the latter also includes certain value based behavior, like the one guided by empathy, compassion, integrity, accountability, responsibility etc.

This difference can be understood with some examples. For example, a banker should have the ability to deal in numbers, while an effective leader is one who is empathetic and honest. A thief, on the other hand, probably needs to be a good liar.

1.1.1. Aptitude for Civil Services

Some experts believe that civil servants must have three kinds of aptitude: **Intellectual, Emotional, and Moral**. These aptitudes make the civil servant capable of acquiring professional values.

Intellectual Aptitude would ensure that respective civil servant would think rationally, act purposely and deal effectively with his environment. Thus, it can be regarded as means oriented aptitude.

Emotional Aptitude would ensure his effective conduct with colleagues, subordinate and public at large. Thus, it may be regarded as the behavior oriented aptitude.

Moral Aptitude includes the desirable values, like justice, empathy, compassion etc. This is also called as Foundational Values for Civil Services and would ensure that civil servants perform their duties not only efficiently but also effectively, upholding public interest. Thus, it may be regarded as end-oriented aptitude.

1.2. Relationship of Aptitude with Other Qualities

1.2.1. Aptitude and Interest

People have interests in many things, but this does not imply they have the aptitude for that. One may like cricket very much – but playing it on field is much different than watching it on television. One may have the aptitude for good commentary or writing skills and then one may choose a profession where his/her interests and aptitude match- such as becoming a commentator or a sports journalist.

1.2.2. Aptitude & Ability

Aptitude is often considered to represent specific subsets of mental ability which provides useful information on an individual's potential, particularly with regards to education and employment. Ability is much closer to intelligence. It is concerned with present. It is the

combination of skills, habits and powers that an individual now has which enable him to do something. Aptitude indicates what an individual will be able to learn/do and ability presents evidence of what the individual is able to do now (or in future without additional training). From a practical standpoint, it is impossible to measure aptitude without the degree of training which an individual has already had. It is assumed that individuals have been exposed to certain experiences which enhance their aptitude when it is measured.

For example, the **CSAT (Civil Services Aptitude Test)** exam which is meant to test the aptitude of a candidate for Civil Services will invariably show better scores for candidates who have practiced rather than those who have not. It tests aptitude by subjecting the candidates to pressure situation (solving many questions in limited time), which they are likely to experience once they become Civil Servants. Moreover, a person who has practiced the tests demonstrates readiness and labour, which is again a trait desirable in a Civil Servant. It therefore, although intended to measure aptitude, also measures ability. Thus according to some psychologists, ability includes aptitude and achievement. Ability refers to what a person can do today. It is the power, at a given time, to perform.

1.2.3. Aptitude and Intelligence

Aptitude is *innate potential* to do certain task *in future*, provided appropriate training is provided to the person. Intelligence's key component is the *ability to think rationally, act purposefully and deal effectively* in one's present environment. Intelligence has a wider scope as in it refers to general mental ability. Aptitude on the other hand has narrow scope- it is specific to work. It breaks down intelligence into several characteristics, referring to a specific ability of a person to do a task in future. Thus, aptitude is not same as intelligence. Two people with same intelligence quotient (IQ) may have different aptitudes e.g. one to become scientist and another novelist.

1.2.4. Aptitude and Attitude

Aptitude is *innate potential* to do certain task *in future*, provided appropriate training is provided to the person. An attitude is a lasting, general evaluation of people (including oneself), objects or issues. It is a predisposition to behave in certain ways i.e. a tendency to respond positively or negatively towards a certain idea, object, person, or situation. Attitude can be changed in certain ways, but aptitude can't be developed if it is not there, because it is innate potential.

1.2.5. Aptitude and Values

Values are different from aptitude in that, value denotes the degree of importance of some thing or action, with the aim of determining what actions are best to do or what way is best to live. Though values may be "positive" or "negative", like empathy towards weaker section is positive while regarding one's own caste to be highest is negative. But generally, they are taken for positive and desirable values. Thus, they deal with right conduct and living a good life, in the sense that a highly, or at least relatively highly, valuable action may be regarded as ethically "good", and an action of low in value, or somewhat relatively low in value, may be regarded as "bad". Hence, values can be defined as broad preferences concerning appropriate courses of action or outcomes. As such, values reflect a person's sense of right and wrong or what "ought" to be. "Equal rights for all", "Excellence deserves admiration", and "People should be treated with respect and dignity" are representative of values.

Values tend to influence attitudes and behavior. Types of values include ethical/moral values, doctrinal/ideological (religious, political) values, social values, and aesthetic values. In the next section we will discuss "Foundational Values for Civil Services."

1.2.6. Aptitude, Proficiency & Achievement

Proficiency is the ability to perform an activity with ease and precision. Achievement looks at the past - what has been done, accomplished.

2. Foundational Values for Civil Services

2.1. What are they?

Value are a set of standards, on the basis of which, we judge things as right or wrong. There are many values and these may be arranged in hierarchy. For example, Gandhi regarded truth as the highest value followed by non-violence. Civil service values are contextual to a culture. Democratic cultures, for example, are based on the doctrine of public trust- that the sovereign power lies with the public, who has entrusted it to the State, which must exercise that power through officials (appointed and elected) in the best interest of the public. Values are also contextual to time, i.e. they evolve. For example, civil services have now started focusing on improving business environment, which may not have been the case earlier.

2.2. Why we need them?

Civil servants hold important fiduciary (those that involve trust) positions, enjoy several wide-ranging powers and have special obligations because as they are responsible for managing resources entrusted to them by the community. They provide and deliver services to the community and take important decisions that affect all aspects of a community's life. Consequently, the community has a right to expect that the civil service functions fairly, impartially and efficiently.

It is essential that the community must be able to trust and have confidence in the integrity of the civil service decision-making process. Within the civil service itself, it needs to be ensured that the decisions and actions of civil servants reflect the policies of the government of the day and the standards that the community expects from them as government servants. The expectation that the civil service will maintain the same standards of professionalism, responsiveness and impartiality in serving successive political governments is a key element of the way our democratic polity functions.

In a democracy, an efficient civil service must have a set of values that distinguishes it from other professions. Integrity, dedication to public service, impartiality, political neutrality, anonymity etc. are said to be the hallmarks of an efficient civil service. Civil Servants have to uphold the constitution and the law, therefore they need certain values to guide their conduct. The constitution, laws, rules and regulation incorporate the values that are expected from a civil servant. The effective implementation of these requires that civil servants themselves believe and practice those values. Moreover, in situations where discretionary decisions have to be taken, it is expected that civil servants are guided by those values. In absence of such values, there are chances of cognitive dissonance as well as possibilities of abuse of power.

The issue of ethics in public life, has also been discussed by Justice J.S. Verma in the VineetNarain judgment wherein he observed, "holders of public office are entrusted with powers to be exercised in public interest alone, and therefore, the office is held by them in trust for the people. Any deviation from the path of rectitude by any of them amounts to a breach of trust and must be severely dealt with instead of being pushed under the carpet."

2.3. Types of Foundational Values

Foundational values for civil services may be categorized into two main groups:

1. **End-oriented values:** These are concerned with the goals which civil servants should aim to achieve while performing their duties. They relate to the end product, and may best be visualized as those covered by Directive Principles of State Policy, Fundamental Rights etc.

2. **Means-oriented values:** They are concerned with the ways in which civil servants behave or act while performing their duty. They relate to the means and include such values as transparency, responsiveness, efficiency etc.

2.4. Major Foundational Values for Civil Services

In India, the current set of ethical norms are the Conduct Rules, contained in the Central Services (Conduct) Rules, 1964 and analogous rules applicable to members of the All India Services or employees of various State Governments. The code of behaviour as enunciated in the Conduct Rules, while containing some general norms like 'maintaining integrity and absolute devotion to duty' and not indulging in 'conduct unbecoming of a government servant' is generally directed towards cataloguing specific activities deemed undesirable for government servants. These conduct rules do not constitute a code of ethics. The **Draft Public Services Bill, 2007**, proposed a necessary first step in evolving a code of ethics. It states **Values of Public Service** as a set of values which will guide the Public Servants in the discharge of their functions. These are:

1. Patriotism and upholding national interest
2. Allegiance to the Constitution and the law of the nation
3. Objectivity, impartiality, honesty, diligence, courtesy and transparency
4. Maintain absolute integrity

Despite not having a specific code of ethics in public service, there are various sources which contain- explicitly or implicitly, the values expected in a civil servant. The foremost source is the Constitution of India.

Major Constitutional Values

Our constitution is committed towards certain values/principles to its people as prescribed by the preamble. A civil servant is expected to uphold these values while discharging his official duties. They are:

- **Sovereignty:** It essentially means the people of country are sovereign & elect their representatives to govern them in the best possible manner.
- **Socialism:** It means government controlling the means of production in an economy with the goal of developing an equal society.
- **Secularism:** State should not discriminate negatively or positively towards any religion
- **Democracy:** Rule by people
- **Republic:** It means that supreme power lies in the body of citizens. Head of the state is elected & not a hereditary institution like the monarchy.
- **Justice:** Social, economic & political. Which essentially means the society progress together without any sections left unattended to & rule of law prevail throughout the country.
- **Equality:** of status & opportunity seeks to empower the marginalized sections of the society with certain affirmative action.
- **Fraternity:** means common brotherhood of all Indians, assuring the dignity of all individuals.

A general overview of the Civil Service Values

2nd ARC in its report 'Ethics in Governance' has elaborated on values expected in Civil Servants. It also makes references to Civil Services in other countries like the U.K. and Australia.

Civil Service values as recommended by the Nolan Committee (UK)

One of the most comprehensive statements of what constitutes ethical standards for holders of public office came from the Committee on Standards in Public Life in the United Kingdom,

popularly known as the **Nolan Committee**, which outlined the following seven principles of public life:

1. **Selflessness:** Holders of public office should take decisions solely in terms of 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 organizations that might influence them in the performance of their official duties
3. **Objectivity:** In carrying out 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 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

The 2nd ARC Report on "Ethics in Governance" talks about a comprehensive Civil Service Code which can be conceptualized at three levels. At the apex level, there should be a clear and concise statement of the values and ethical standards that a civil servant should imbibe. These values should reflect public expectations from a civil servant with reference to political impartiality, maintenance of highest ethical standards and accountability for actions. At the second level, the broad principles which should govern the behaviour of a civil servant may be outlined. This would constitute the Code of Ethics. At the third level, there should be a specific Code of Conduct stipulating in a precise and unambiguous manner, a list of acceptable and unacceptable behaviour and actions. The 2nd ARC Commission also recommended that the values and the Code of Ethics be given a statutory backing by including them in the proposed Civil Services Bill.

3. Foundational Values for Civil Services in Detail

3.1. Integrity

The word 'Integrity' originates from the word *integer* (Latin). It means being whole or complete. In ethics, being a person with integrity means having the quality of being honest and having strong moral principles that one refuses to change. It means having strong moral standards and the determination not to lower them. Integrity is defined as a concept of *consistency* of actions, values, methods, measures, principles, expectations, and outcomes. In ethics, integrity is regarded as the honesty and truthfulness or accuracy of one's actions. The key words here are 'consistency', 'honesty', and 'truthfulness or accuracy of one's actions'. Consistency is about being the same regardless of the situation. A person making decisions in a calm and composed manner on one day and taking rash decisions on others cannot be said to be consistent. Leaders remain consistent in their approach even when the situation is not great (Please note – consistency is not inflexibility).

Honesty, truthfulness and accuracy of one's actions require intentions and thought. How honest and truthful is one with others depends on his/her's intentions – the actions should be in sync

with one's words and the words should be in sync with one's thoughts. Therefore, integrity has a crucial component of consistency in thought, speech and action; such that there remains no difference between a person's ideal state of affair and his actual one- Elimination of gap between what we think as the desirable way of conduct and our actual conduct. It's a personality trait that we admire, since it means a person has a moral compass that doesn't waver under any circumstances. It also means the integration of ideals, conviction, standards, belief and behavior. Therefore, a man of absolute integrity can never be influenced by temptation and pressure from outside, because he would respond only to his own conscience. Note that physical objects can display integrity, too — if you're going over a rickety old bridge that sways in the wind, you might question its structural integrity.

Integrity in essence means adherence to principles. It is a three-step process: choosing the right course of conduct; acting consistently with the choice—even when it is inconvenient or unprofitable to do so; openly declaring where one stands. Accordingly, integrity is equated with moral reflection, steadfastness to commitments, trustworthiness. All three are equally important – a thief can be consistent in his thoughts and actions, but has low moral standards and has not chosen the right course of action. It doesn't matter whether he himself believes it to be correct or not. Has he done the hard work of ascertaining what is right or wrong? No. In any case, he fails the test of trustworthiness as well.

Further, the concept of 'wholeness' in integrity implies completeness. When a person is integral, people should be able to visibly see it through his/hers actions, words, decisions, methods, and outcomes. When you are 'whole' and consistent, there is only one you. You bring that same you wherever you are, regardless of the circumstance. You don't leave parts of yourself behind. You don't have a 'work you,' a 'family you,' and a 'social you.' You are YOU all the time.

It is difficult to be a hundred percent integral all the time. Therefore we use the terms high and low as qualifiers when we refer to integrity standards of a person.

Halfon describes integrity in terms of a person's dedication to the pursuit of a moral life and their intellectual responsibility in seeking to understand the demands of such a life. He writes that persons of integrity:

"...embrace a moral point of view that urges them to be conceptually clear, logically consistent, apprised of relevant empirical evidence, and careful about acknowledging as well as weighing relevant moral considerations. Persons of integrity impose these restrictions on themselves since they are concerned, not simply with taking any moral position, but with pursuing a commitment to do what is best".

What is integrity for a civil servant? Nolan commission defined it as 'Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties'. It can be seen that being a civil servant of integrity, a person must (1) have high moral standards (2) be honest towards his objectives, (3) be consistent in the decision-making process – he should not only be honest and truthful, but also perceived to be so. This is the foundation of public trust that is essential for a person holding a public office. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

How is it Different from Honesty?

Honesty: It simply means holding the facts *as they are*, i.e. upholding the truth. If you tell the truth, you possess the quality of honesty. Being honest means choosing not to lie, steal, cheat, or deceive in any way.

Integrity: It means thinking and doing what is right at all times, no matter what the consequences. When you have integrity, you are willing to live by your standards and beliefs even when no one is watching, to live so that your thoughts and behavior are always in harmony. Therefore, it not only requires truthfulness (honesty) but also the quality to do what is right in all circumstances.

Honesty as a subset of Integrity: Integrity implies reliability; consistency in one's principles and values. Honesty then becomes a necessary, though not a sufficient, criteria for integrity. To be integral one has to be honest, but not vice-versa. Put simply, one can be honest in an act, but one needs to be integral in his/her whole conduct.

Honesty without integrity: Integrity requires one to face challenging situations. For example, in the battle of Mahabharata Arjun was confused whether to follow dharma/righteousness/duty or to follow kinship/inclination. Such conflict between duty (the right thing to do) and inclination is a critical test to determine whether a person has high or low integrity. Honesty on the other hand does not require such a context. One can be honest in day to day life without necessarily showing integrity. Integrity means soundness of moral character, as well as honesty – there's more to integrity than honesty alone. The major difference between honesty and integrity is that one may be entirely honest without engaging in the thought and reflection integrity demands. The honest person may truthfully tell what he or she believes without the advance determination of whether it is right or wrong. For example, a person may say "all athletes cheat" and really believe in this statement -that's honesty. But, not taking the effort to determine whether this assertion is correct or not shows lack of integrity. Thus, one can be honest without being integral.

Types of integrity

The view of integrity that has been described above is integrity as a moral purpose and a wholesome virtue. Virtues such as benevolence dispose us towards a characteristic thought. However, there is nothing in particular that integrity leads those who possess it to attend to. However, integrity is an anomalous virtue – it is not associated with any characteristic motivations and thoughts. It is a special kind of virtue and a cluster concept and thus involves multiple motivations and thoughts.

Because integrity involves managing various commitments and values, it can be said that such types of integrity are simply manifestations of a person's overall integrity, or of their personal integrity. However, sometimes it is heard that a person has intellectual but not personal integrity, or has more of the former than the latter. If this is true, and if there is a radical disjunction between the type of integrity which is demanded in one sphere of life and another, integrity overall, or personal integrity, may be undermined, or at least profoundly challenged. There may, for example, be conflict between types of integrity, such as between intellectual and moral integrity. As such, integrity, which rests on the pillars of 'completeness' and 'consistency' may weaken if we compartmentalize it into different types. However, given human beings' capacity and need for compartmentalization, or psychologically separating out different parts of their lives, we can recognize different types of integrity.

- 1. Moral Integrity:** It means consistency and honesty in standards that one uses in judging others as well as oneself as right or wrong. This is the most comprehensive type of integrity, also the personal integrity that has been described above.
- 2. Professional integrity:** It means upholding the code of ethics, standards, norms and values of the respective profession. It thus implies a professional who consistently and willingly practices within the guidelines of the chosen profession.

Professional integrity is weaker than moral integrity. It can be argued that the responsibilities of performers, for example, are quasi-moral; they are not truly moral

because they are internal to the profession. However, it seems plausible to maintain that professional integrity is better understood as an important contribution to the living of a moral life. Professional integrity is specific to the sphere of a profession, but not entirely independent of morality.

- 3. Intellectual Integrity:** The term 'intellectual integrity' is ambiguous between integrity of the intellect and the integrity of the intellectual. Construed broadly, as integrity of the intellect, it would be applicable to anyone who thinks, and thus becomes too general. In a more specific understanding, intellectual integrity is the integrity as an academic's virtue. Intellectuals may differ in the extent to which they exemplify intellectual virtues such as honesty, impartiality, respect for facts, and openness to the views of criticism. Intellectual integrity may then be thought of as the over-arching virtue that enables and enhances these individual virtues by maintaining a proper balance between them. For example, Socrates may be an outstanding example of a person of intellectual integrity. He had a commitment to the pursuit of truth and knowledge, and he demonstrated his intellectual integrity in the face of attacks on it.

Some commonly cited intellectual virtues central to the conception of intellectual integrity are honesty, courage, fairness, sensitivity, perceptiveness or insightfulness, intellectual humility, perseverance, adaptability and communicativeness. Possession of these virtues is part of what it means for a person to have intellectual integrity, although they may exist in varying degrees without undermining a person's overall intellectual integrity. There are a range of kinds of actions one might expect from a person of intellectual integrity as well: for example, being against plagiarism, refusing to suppress counter-arguments, and consistently acknowledging help. Thus it can be said that intellectual integrity is that quality that enables a person to balance the various demands of intellectual work and to manifest intellectual virtues in a proper order.

- 4. Artistic integrity:** It is essentially the integrity displayed by an artist towards his/her work. The wholesomeness of the work – accuracy, careful depiction, placing no component out of place, etc. are hallmarks of artistic integrity. Consider the example of a painter. He leaves his family, home, country, etc. and goes to an exotic country so that he can find breathtaking views that can be put on the canvas. Is he behaving as man of integrity? Should his commitment to his chosen profession supersede his responsibility towards his family/country? There is no clear answer here – if his artistic project fails, we might judge him as morally deficient, otherwise we are likely to see his actions in a more favourable moral light. However, there is no reason to think that he will succeed only if he leaves and not by remaining in his home. In any case, our judgment about his artistic integrity does not absolve him for his lack of personal/moral integrity.

Moral values which artworks suggest or promote are relevant to considerations of artistic integrity. As such, artistic and moral integrity can overlap, particularly if the standards of artistic integrity are high. On the other hand, artistic and moral integrity can come in conflict in situations of great pressure. Circumstances also vary, and with them both the difficulty of pursuing integrity, and our assessment of its merit. A journalist reporting from a totalitarian state is under considerable pressure. He may have to make certain compromises in his works. One might rate his moral integrity as higher than artistic integrity – he may have made compromises which affected his integrity as an artist (journalist).

Source of Integrity

Integrity is a value which can't be enforced through any external control, because its source is the moral reasoning not profit-loss reasoning.

How to inculcate integrity?

Though, the source of integrity, as a guide to our behavior, is moral reasoning, but it is a value which can be developed in the similar ways like other values. Some of the ways are discussed below:

1. **Through Model Learning:** If young recruit's first posting is made under an honest officer, then he's more likely to remain honest because of mentoring by a good role model.
2. **Reward and Punishment:** To consolidate a newly developed value, appropriate behavior must be rewarded and inappropriate should be punished accordingly. This is called 'carrot and stick' policy.
3. **Sensitivity Training:** Under this kind of training, the person is made to learn the desired value through role-playing, so that he understands the nuances of it.
4. **Code of Ethics and Code of Conduct:** 2nd ARC recommends setting up code of ethics for all departments of the government. It'll have broad principle- that all participants have to follow and its reports will be given and evaluated by the departmental head.

3.2. Objectivity

Objectivity is sticking to the facts – the evidence. It means being guided by the evidence and considering an event will be closer to the truth the more supporting evidence it has. It is that quality in which a person or his/her judgement is not influenced by personal feelings or opinions in considering and representing facts. It means evaluating a situation fairly, based on facts, without any bias, personal belief, feelings or external influence. Therefore, it is rational and most of the times, empirical in nature. It is antithetical to subjectivity, i.e. feeling, values, emotions etc. In practice, civil servants should make choices on merit while carrying out their duties, for example making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

Why is it needed?

Civil servants discharge their duties based on clearly defined rules. These rules lay out their responsibilities as well as give them required authority to carry them out. A public office enjoys legitimacy and public trust because the responsibility and authority it carries are not arbitrary (Max Webber's Legal-Rational Authority). Hence, it is necessary for the individual who occupies a public position to be rational in his/her decisions rather than being arbitrary. Rationality comes from facts rather than biases- a mind open to assessment of facts uninfluenced by any pre-conceived notions. Biases blind our view and act as hindrance in taking a decision and its execution. Nolan commission described the importance of objectivity as:

'The duties of public office vest, in the holder, authority to take decisions including making appointments, awarding contracts, recommending benefits etc. The choices cannot be allowed to be made on any criteria other than merit. The decisions must be based on reasons free from the vice of caprice. The executive can take a leaf out of the book of judiciary by suo-motu supply of reasons for every action. The requirement of recording reasons is by itself a great safeguard that inhibits the decision maker from being subjective.'

How it is ensured?

To ensure objectivity, the civil servants are expected to function based on some written rules, regulations, and laws, so as to eliminate or at least reduce the discretions. Even in situations where discretionary decisions have to be taken, they must be based on facts and not on personal beliefs or any other considerations.

How to develop it?

- **Transparency:** If the decisions and reasons behind them are made public, then civil servant would be more careful in taking decisions according to the facts rather than whims and fancies. For example, we have seen this trend with the enactment of RTI Act.
- **Information Management System (IMS):** If the organization doesn't record and document the incidents, information and statistics, then it won't be able to make decisions based on proper information.

3.3. Dedication to Public Service

Dedication is the quality of being able to give or apply one's time, attention, or self, entirely to a particular activity, person or cause. It is commitment with passion and personal urge to do something, without any external formal instrument to enforce that urge. Strictly speaking, dedication is different from commitment, in that, commitment is formally obligated/bound, whereas dedication is guided by sense of duty, inspired by some ideals, like that of state or society. Thus, dedication ensures that one is devoted to the task even in the absence of a formal commitment or external reward.

In civil services, dedication integrates the person with the idea of public good/interest. This dedication would ensure that civil servant's sense of duty is integrated with his official responsibility. As a result, he will keep doing his job even if it is boring, unwanted, tedious, or in a hostile environment etc. It is because his duty itself becomes his end, and he realizes Kant's maxim of "Duty for the sake of duty."

Spirit of sacrifice and service to the public & to the nation are the essential ingredients of public service and civil servants should feel motivated & inspired by the fact that they are working & devoting their life to a noble cause if they choose to be a part of it.

Why is it needed?

1. Without it civil servants would find it difficult to perform their duties in difficult situations.
2. To make civil servants emphatic to their job and empathetic to the people.
3. To realize the ideals mentioned in the Constitution, like justice, equality etc.

How to develop it?

Since dedication to public service is more of a kind of aptitude, it has an internal motivational component, which, if not present, is hard to develop. However, the following can still be done to ensure dedicated civil services:

1. The examination pattern should be so devised to gauge the aptitude of the prospective recruits.
2. By giving them sensitivity training, like the problems faced by different sections of the population and how they can make a difference.

3.4. Empathy

It is about understanding another person's condition from their perspective. Simply put, empathy means putting yourself in their shoes & feel what they must be feeling in the circumstances they are faced with.

It is sometimes confused with sympathy, but is different from it in that sympathy is instinctive and largely involves cognitive aspect. For example, seeing a poor man at a rainy winter night you would think to do something for him, but may not necessarily do anything. You can sympathize with his situation by expressing pity or remorse. But empathy is deeper than this as it includes emotions as well, apart from that cognitive aspect. Empathizing with the person

means that you are able to view the situation from his perspective and have knowledge of his circumstances and hardships. You cannot empathize with an abstract or detached feeling- you need to have knowledge about who he is, what is he trying to do and why. Therefore, it would make you feel to understand his problems, causes and consequences thereof. Thus, it is a step ahead of sympathy. Empathy is stronger attitude than sympathy, hence it's better indicator of behavior.

Consider climate change. Developed countries may well sympathize with developing countries which face immediate threats because of rising sea levels and temperatures. However, their lack of ability to put themselves in the shoes of developing countries struggling to meet multiple conflicting objectives (poverty alleviation v/s environmental protection) has led to slow progress in implementing measures needed to counter climate change and providing adequate climate finance.

Why is it needed?

- The bureaucratic system has become so complex that adhering to rules has become an end in itself rather than pursuit of the end which was to be achieved by those rules. More time is spent in transactional business rather than working for welfare of people.
- Empathy helps us understand others' emotions, therefore empathy is required to increase one's emotional intelligence.
- Lack of empathy may lead to social unrest and intolerance towards women/minorities/children/disabled as we can't understand their actual problems and specific needs.
- An empathetic civil service is the need of the hour to usher in inclusive growth.

How to inculcate it?

- **Sensitivity training:** Role playing games, put yourself in the shoes of other people.
- Open conversation: When members of different sections interact with each in open environment then the long held prejudiced are dismantled, and thereby empathy is inculcated.
- **Sarvadharm Sambhav:** When members of different cultural groups participate in each other's cultural festivals then tolerance is developed for each other and empathy is inculcated.
- **Art and literature:** They can also sensitize people about the conditions of some specific group of people.
- **Cultivation of interest in other cultures**

3.5. Compassion

It is a feeling of distress and pity for the suffering or misfortune of another which include the desire to alleviate it. Thus, unlike empathy, it not merely entails effort to understand the problems of others but also the active desire to alleviate them. Thus, it is a step further of that of empathy, because it also includes strong action component.

Why is it needed?

- To reduce disconnect between the people and public servants. As without compassion, the civil servants would find it difficult to do something for weaker and downtrodden.
- Indian society, generally, believes in law of Karma. So if a person is poor or physically disabled, we believe it is the result of his own karma. Without compassion, we may not be tempted to help him out of his current situation.

How to develop it?

- Getting firsthand information of the downtrodden sections by visiting their homes, slums etc.

- Sensitivity training.
- Religious teachings such as Buddhism's 4 Noble Truths (Existence of suffering, its cause, its end, Path that leads to its end), etc.

3.6. Impartiality and Non-Partisanship

Impartiality is a broad concept founded on law that is commonly understood as a principle of justice. It refers to the fact of not supporting one person or a group more than the other. It simply means not taking any sides. Synonymous with fair-mindedness, impartiality holds that decisions should be based on objective standards, instead of on the basis of bias, prejudice, or preferring the advantage to one person over another for unsuitable reasons.

Being impartial, though, is very difficult. People have their biases about most of the things. For civil servants, politicians and judiciary, who most commonly deal with taking decisions which may benefit one person or group of persons, being impartial becomes very important. For example, a judge cannot presume a person to be guilty only because he/she belongs to a certain community. That would compromise the whole due process of law. Similarly, a civil servant cannot prioritize one person over another just because of his personal preference. There has to be a reasonable, intelligent criterion. Consider acquisition of land for 'public purpose'. Who are the people whose land will be acquired? They can be farmers cultivating land on the outskirts of the city, or a hamlet comprising of scheduled caste population, or land lying with a religious body, etc. The District Magistrate may have his/her own concerns or preference towards any of the group, but the decision will have to be taken based on objective criteria and most importantly, project requirements – he/she cannot be partial in evaluation of facts or application of rules based on the owner only. The views of the people affected will be ascertained and their objections disposed-off as per the procedure established under the Land Acquisition Act.

For civil servants, impartiality works at two different levels:

Political Impartiality

Since, impartiality is acting solely according to the merits of the case, therefore it implies serving equally well governments of different political persuasions, irrespective of the civil servant's own personal opinion. A civil servant has to act in a way which deserves and retains the confidence of ministers. It also means that civil servants will comply with any restrictions that have been laid down on him in regard to political activity. At the same time, civil servants are under no obligation to defend the 'views' of the ministers but they must implement the 'decisions' with utmost objectivity, impartiality and to the best of their abilities.

Public Impartiality

Impartiality vis-à-vis public means that, a civil servant carries out his responsibilities in fair, just, objective and equitable manner. He must not act in a way which is unjustifiably favors or discriminate against a particular individuals or interest. The principle of public impartiality can be seen to be derived from the values of merit, equality, justice, which are enshrined in the Indian Constitution.

In other words, impartiality means that civil servants in carrying out their official work, including functions like procurement, recruitment, delivery of services etc., should take decisions based on merit alone.

Non-Partisanship

Non-partisanship can also be called *political neutrality* (explained in more details next). Non-partisanship infers that the officer is to do his task without any fear of, or favor to any political party, even if he has strong faith in any political thought. The values of the administrator will

flow from the constitution not from the philosophy of any political party. It would ensure that civil servants would serve equally well to the political executives, irrespective of political changes.

What is the difference between impartiality & nonpartisanship?

Neutrality is a narrow concept, as it deals with relation of public officials only with the political executive, and is also called as non-partisanship. Whereas, impartiality is a broader term and deals with public officials' relation with their entire ecology, consisting not only of political executive but also the stakeholders i.e. the people. Practically, it may be said that non-partisanship is a kind of attitude, while impartiality has more to do with behavior in a particular situation.

Why are they needed?

1. It brings credibility and trust in the public with respect to the functioning of the public service.
2. It makes the civil servants gutsy, rather than merely capable, so that they can ask relevant questions with respect to the policy, law etc. The difference between the two is that, capability ensures that a civil servant does things correctly, but gutsiness would ensure that he does the right things.
3. It ensures equality, justice among different sections of the society.
4. It ensures the morale, effectiveness and efficiency of civil services, as the transfer, posting etc. are expected to be based on merit alone rather than any extraneous factors.

How are they ensured?

1. **The Central Civil Services Conduct Rules, 1964 and The All India Services Conduct Rules 1968:** To maintain integrity in public service the conduct rules were notified in 1964, which stipulate certain guidelines for the Civil servant to perform the duty with full devotion; and shall not adopt dilatory tactics in their dealings with the public & the likes that are uncalled for like accepting bribe etc. from a civil servant.
2. Though we have these Conduct Rules for the Civil Servants in the form of certain guidelines to follow while discharging of one's duty, however they do not lay down the values & morals in the form of a Code of Ethics that they should imbibe in their persona to do justice with public service.
3. **Code of Ethics, 1997:** It was the first initiative to introduce the code of ethics for public servants in India, which was considered a step towards better governance. The salient features of the code were as follows:
 - Uphold the rule of law & respect human rights
 - Maintain objectivity & transparency in their conduct with the public & in discharge of their duties
 - Maintain utmost impartiality in respect of service matters

3.7. Neutrality

Sardar Patel had made the following observations in the Constituent Assembly to support the continuance of the pre-independence civil service structure:

"It needs hardly to be emphasized that an efficient, disciplined and contented civil service assured of its prospects as a result of diligent and honest work, is a sine-qua-non of sound administration under democratic regime even more than under an authoritarian rule. The service must be above party and we should ensure that political considerations, either in its recruitment or in its discipline and control, are reduced to the minimum if not eliminated altogether."

Civil Service Neutrality refers to political impartiality. Impartiality is a broader concept, as defined above, whereas neutrality is with specific reference to relationship between the civil servants and the government/politician. Also, impartiality is not being biased in judgment – i.e. before arriving at a judgement. Neutrality is not being biased in providing facts, feedbacks, opinions, etc. to the political executive or diligently carrying out tasks ordered by the government, irrespective of which political party's government is in power. It implies that a civil servant would remain politically impartial and non-partisan while serving as public officials. He has to function with a kind of political sterilization, i.e. bureaucrats should remain unaffected by the changes in politics. Conversely, he has to implement the given policy as it is without any personal considerations.

The idea is that, it is the political executive who represents the public opinion as he is elected on the basis of his advocacy or opposition to the current public issues. A democracy is a government by discussion. The laws and policies are the outcome of a consultative process that involves the political executive, the concerned officials and the stakeholders. Once formulated, they have to be implemented by the civil services, the executive arm of the state. Therefore, the policy making is the prerogative of the political executive only, and civil servants are meant to implement that policy without questioning. In administrative jargon, it is called as politics-administration dichotomy. At the same time, the bureaucrat must not hesitate to correct the politician or provide honest opinion. His/her job is not be a 'Yes-man' or a 'committed bureaucrat' (explained later).

The 2nd ARC in its 10th report makes the following observation about current state of neutrality in civil services:

'Unfortunately, this vision of civil service neutrality no longer holds good. Changes in governments particularly at the state level often lead to wholesale transfer of civil servants. Political neutrality is no longer the accepted norm with many civil servants getting identified, rightly or wrongly, with a particular political dispensation. There is a perception that officers have to cultivate and seek patronage from politicians for obtaining suitable positions even in the Union Government. As a result, the civil services in public perception are often seen as increasingly politicized.'

Further, it says that:

'The Commission is of the view that the political neutrality and impartiality of the civil services needs to be preserved. The onus for this lies equally on the political executive and civil servants. The Commission in its Report on "Ethics in Governance" while examining the ethical framework for Ministers has recommended that a code of ethics for Ministers should inter-alia include the following:

"Ministers must uphold the political impartiality of the civil service and not ask the civil servants to act in any way which would conflict with the duties and responsibilities of the civil servants."

Importantly, it quotes Paul Appleby and says that-

'Civil servants should not confuse 'political neutrality' with 'programme neutrality'. At the stage of policy formulation, the role of civil servants is to render free and frank advice which should not be coloured by any political considerations. Once a policy or programme has been approved by the elected government, it is the duty of the civil servant to faithfully and enthusiastically see to its implementation. Not carrying out this task in the right spirit would amount to misconduct inviting appropriate sanctions.'

Areas of conflict between political executive and civil servants:

The concept of civil servants being neutral to political dispensation has been debated in context of India. Demands of a committed bureaucracy have been implicit on change of governments, if not explicit. Further, what is the extent of neutrality that can be observed in practice? The reasons for a potential conflict between civil servants and political executive can arise because of the following reasons:

1. Societal consensus about the goals to be pursued varies among people. In West, there is a certain consensus on goals of development. There is also a certain degree of homogeneity in societal formation. Lack of consensus on the goals and path of development creates ambiguity in the policy preferences. This in turn leads to adhocism, which cannot provide clear direction to the permanent executive. On the contrary, political process start occupying the space (i.e. more interference) meant for civil servants. This can strain the relationship.
2. Political executive may pressurize the permanent executive to violate the very rules that they themselves formulated. Civil Services, being rooted in a rule-based system resist this pressure. This may again lead to conflicts between the two.
3. Presence of shared belief system: It means there is common belief system with respect to vital social issues. Belief system is a product of various factors, important amongst them the culture, society, surroundings that one has grown up in, the education system one was exposed to, etc. In India, the civil services have mostly come from a urban middle class where as political executive is more diverse. Although the character of bureaucracy is changing, it has been changing rather slowly. While a bulk of the members of the political executive, particularly at the state level, have been drawn from the rural and agricultural background, the top and middle level administrators are from the urban middle and upper middle classes- most that qualify for civil services are from urban towns, whereas political representation is spread equally, and since roughly only 32 percent of population is urban, the distribution of seats would also be similar. These differences are manifest in their style of living, mode of communication, ways of looking at things and their mannerisms. The relationship between the two is partly shaped by this factor of value system.

Further, it is argued that, in developing societies, there are weaker sections that must be supported by the administration if the devised policies are ill-suited to their needs. In this context, one of our former Prime Ministers said, "In developing countries, civil servants, to be genuinely neutral, has to take side of the poor."

However, it must be remembered that neutrality is an ideal, like any other ideal such as democracy, which can't exist in its perfect form, simply because it is an 'ideal'. But it doesn't mean that we should discard them for this reason only. Just as the absence of democracy would lead destruction of individual rights, similarly absence of neutrality would cause chaos in functioning of public administration. Therefore, this ideal is worth pursuing forever in the appropriate cultural context.

Committed Bureaucracy

It can be understood from two perspectives:

1. **Positive:** It implies that civil servants should be committed to the objective of the state, the constitution, and should have faith in the program and intention of the political executive, if they genuinely seek to bring social change for the good. Such committed bureaucrat needs not to be partisan in his working, he only needs to have empathy to understand the mind of his political master and be political responsive. Therefore, he needs to give technical advice in accordance to the political philosophy of the ruling party.

2. **Negative:** It implies politicized bureaucracy, where the administrative system functions only to serve the narrow interest of the political party in power. For example, the functioning of administrative system in Nazi Germany.

Generally, the term 'committed bureaucracy' is used with the negative connotation – a bureaucracy committed to the goals of a political party/leader rather than that of the people.

Types of neutrality

Sometimes, it is classified into two types.

1. **Passive neutrality:** Here the public official will do anything that the political executive orders him to do. But then he may end up violating some legal/constitutional provisions. It was the neutrality that was actualized by Nazi bureaucracy. Hence passive neutrality is undesirable.
2. **Active neutrality:** The Officer will do what the constitution, rules, laws and office manual says, without following any particular party. Sometimes, it leads to civil services activism.

Conduct Rules for Neutrality

The Central Civil Services Conduct Rules, 1964 and the All India Services Conduct Rules 1968: They lay down the following provisions to ensure neutrality of public servants:

- Public servants must not take part in politics.
- They must not give election fund/ assistance to any political party
- They can vote. But must not tell his preference to other people.
- They must not display any election symbols on his person, vehicle or home.
- They must not participate in rallies, and demonstration etc., without government permission.

Challenges to Neutrality

- There is lack of independent institution for transferring, posting, and other service conditions. As a result, the civil servants align with one or the other political party to get their favorite postings and other perks.
- Secrecy in official functioning, as a result there develops nexus between the political executive and civil servants to fulfill their illegitimate gratifications.
- In-service and intra-service rivalry: In each government-service, there are various factions based on language, religion, caste and region. To gain promotion and perks for their faction, they'd bend to the wills of politicians.
- Wrong notion of committed bureaucracy, where the civil servants try to fulfill the political agenda of a particular political party.
- Election and corruption: Ministers need lot of money to finance election campaigns, so they prefer a convenient subordinate. Many don't like an officer who gives free and frank advice.

How to check this erosion?

- Independent Civil Services Board should be set up, as it directed by the Supreme Court to take care of all service matters with objectivity and independently of political consideration.
- Earnestly implementing RTI Act, especially the pro-active disclosure clause so as to bring transparency in official functioning, breaking the unholy nexus.
- Effective performance appraisal of civil servants by independent body and aligning it with their promotions, incentives and other service conditions.

3.8. Tolerance

Tolerance comprises of allowing people to exercise their rights, religious or constitutional. It is the midpoint on a spectrum ranging between prohibition/unacceptance at one end to acceptance at the other. For example, a vegetarian might be convinced it is wrong to eat animals. Such a person may never accept the practice as part of their own life. However, they may not want to stop others eating meat.

It teaches us to exercise restraint in sensitive matters. Tolerance is defined as a fair and objective outlook towards those whose lifestyle differs from a person. It refers to the skills a person needs to live together peaceably. In Jainism tolerance is captured in the ideal of Syaadavaada, which means that every view is correct from its own perspective, but no particular view is absolutely correct.

It means showing respect for the race, gender, opinions, religion and ideologies of other people or groups, and to admire the good qualities and good work of others. And to express one's point of view in a decent and respectful way while respecting the sentiments of others.

Why is it needed?

1. Without tolerance and harmony, the lasting peace of societies cannot be maintained.
2. Tolerance encourages freedom of expression, which is necessary for perusal of truth and progress. Without it differing views can't be expressed freely and thereby the society would become status-quoist and decadent, where new inventions can't take place.
3. It is necessary to uphold the moral worth of every individual, as according to J.S. Mill, all individuals have equal moral worth, and therefore should be allowed to express their views without any constraint.
4. Human development is possible only when we allow everyone to express their views and pursue their interest.
5. In a diverse society, like ours, civil servants are required to serve all the sections equally well, which is not possible if they are not tolerant.
6. In fact, values of justice, impartiality and objectivity are not possible without tolerance.

How to develop it?

- Sensitivity training.
- Promoting the notion of Sarvadharm-Sambhav, where we participate in cultural festivals of different sections of society.
- Developing empathy for others would lead to tolerance by itself.

3.9. Anonymity

Anonymity of civil servants or facelessness has traditionally been regarded as an important principle of our constitutional arrangement. Ministers, who are at the apex of central executive hierarchy and are responsible to the parliament, are accountable not only for their conduct and performance, but also for the department which they lead as well the team of permanent executive that runs it. The civil servants hence do not have an independent existence (apart from the times when there is President's Rule in place). They work as a team, with the political executive leading from the front.

The principle of anonymity emphasizes that permanent executive works from behind the screen. In other words, they should avoid public gaze. This implies that the political executive takes the total responsibility for omissions and commissions. The executive takes the credit for the achievements and discredit for the failures. The people through electoral mechanism punish or reward the political executive or the political party that the executive represents. The permanent executive has to work under the overall guidance and direction of the political

executive. The political executive will have all the powers not only to extract work from the permanent executive but reward or punish them. Under this arrangement the pattern of accountability is so distributed that while the political executive is solely accountable to the people, the permanent executive is also accountable to the political executive. It is precisely the reason why anonymity has come to be considered as one of the governing norms of relationship between political and permanent.

The anonymity of the civil service is linked to two concepts: permanence and neutrality. Civil servants, many of whom remain in their jobs whilst serving numerous governments, are thus likely to have to give advice to governments of different political parties, who may have different attitudes to policy. The advice they give needs to be given to ministers both freely and also without fear of adverse public or political reactions and without fear of future career damage. This is tied into the concept of ministerial responsibility, whereby the convention is for the minister to accept responsibility for their actions and decisions and those of their departments.

Why is it needed?

- It allows public servants to function without fear or favor.
- It is consistent with the parliamentary form of government, where the minister is directly responsible to the people through their elected representatives.
- This ensures discipline, decorum and moral of the services.

How is it ensured?

It is ensured through Civil Services Conduct Rules, which has following provisions:

- The Officer shall not divulge information he got during his official capacity to a third party except under good faith or when required by the law / departmental rules.
- He needs government permission before publishing book / writing in newspaper / appearing on TV – radio EXCEPT literary, artistic or scientific character.
- Without government permission, he must not accept any honor, ceremony, meeting, rally held in his honor (or in honor of another employee).
- Vindication of official acts: Suppose public/press has made some remarks against him for his official conduct. He cannot file defamation suit against them or make press statements, without government permission.

Challenges to Anonymity: In recent years, civil service anonymity has begun to be eroded for a variety of reasons, as under:

- MPs frequently question civil servants about the advice they give to ministers.
- Increased media interest in government affairs means that individual senior civil servants tend to be identified.
- Ministers are also increasingly willing to “name and blame” their civil servants as opposed to accepting responsibility for their departments’ actions.
- Some civil servants directly go the media to express their grievances or highlight the malfeasance of the political executives.

Anonymity v/s Neutrality

How do we reconcile these two norms? Is it possible to be neutral in face of accountability that the political executive will demand – i.e. if the permanent executive is totally accountable to the political executive, can the latter afford to be neutral? If it means that they should be committed to the political executive in power, is it possible for the permanent executive to go on changing its commitment from regime to regime? Otherwise the members of permanent executive should maintain neutrality in such a way that they may even grow indifferent to all the regimes. The answer is no. Both values have to be followed simultaneously. The technical

and managerial skills are not political. The tools of administration – i.e. the practices that make carrying out of tasks more efficient and effective are politically neutral. It is only the diligence in their application that incorporates the human bias. Anonymity, and thus accountability is necessary to get rid of this bias. The skills and the technical knowledge which are assumed to be non-political can be used by the government of any political ideology. For example, Lenin incorporated many strands of efficiency of industrial capitalism in USSR's economy. Or, China embracing tenets of capitalism in its economy while maintaining communism in its polity.

3.10. Accountability and Responsibility

Accountability

Accountability means making the public officials answerable for their behavior and responsive to the entity from which they derive their authority. Holders of public office are accountable for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this. Accountability also means establishing criteria to measure the performance of public officials, as well as oversight mechanisms to ensure that standards are met.

In public services it is a legal concept, as its contours are fixed by the law, and ideally it includes 3 things:

1. **Answerability:** It means one is legally bound to give answers with respect to his commissions, omissions.
2. **Enforceability:** It means the respective civil servant is liable to be punished according to the law, if he found to be guilty in discharging his official duties.
3. **Grievance redressal:** It means the aggrieved person should have sufficient institutional mechanism to be heard and resolving his grievances.

Answerability refers to the obligation of the government, its agencies and public officials to provide information about their decisions and actions and to justify them to the public and those institutions of accountability tasked with providing oversight. Enforcement suggests that the public or the institution responsible for accountability can sanction the offending party or remedy the contravening behavior. As such, different institutions of accountability might be responsible for either or both of these stages. Accountability has little meaning without transparency. Without complete and correct information in public domain, accountability will be of little value. Accountability is not merely 'to whom' and 'how', it is also 'for what'. The 'what' aspect is provided through transparency. This is the reason that transparency and accountability are mostly used in the same breath.

Institutions for extracting accountability of public servants for their action and inaction

1. Head of the organization at the organizational level.
2. Departmental head at departmental level.
3. Concerned ministry at the ministerial level.
4. Parliamentary proceedings at the national level.
5. Public opinion at popular level.
6. Media and civil society at societal level.
7. Courts at judicial level.

There is thus both a routine accountability which is mostly departmental in nature and externally enforced accountability which is assessed only when called into question.

Why is it needed?

Evaluating the ongoing effectiveness of public officials or public bodies ensures that they are performing to their full potential, providing value for money in the provision of public services, instilling confidence in the government and being responsive to the community they are meant to be serving.

1. It prevents the public services from turning into tyrant as they are held answerable to their deeds and mis-deeds.
2. Avoids conflict of interests-Setting accountability clearly demarcates area of one's actions where he or she is required to act.
3. The first and last beneficiary of public service is public, as the public services are required to act in interest of public and they are answerable for their actions.
4. Promotes justice, equality, and egalitarianism because public servants are required to realize these constitutional ideals and at the same time they are answerable for their actions.
5. It brings legitimacy to public services- Accountability promotes the loyalty to service as actions are carefully calculated and keeps a check on arbitrary and ill-conceived actions and policies.
6. Be it fear of legal consequences or an outcome of one's morality, owing accountability for their actions motivates the public servants to discharge their duty with honesty, integrity and efficiency.

How can it be ensured?

The accountability mechanisms in any country are broadly categorized as those that are located within the State and those outside. Accountability of the executive arm of government to Parliament and to the citizens of the country is of course the fundamental feature of a democracy.

The final expression of accountability in a democracy is through the medium of periodic elections which is an instrument for punishing and rewarding the Government of the day, and therefore, serves as an ultimate instrument of accountability. An independent judiciary embodies the constitutional doctrine of separation of powers and is another important element in the system of checks and balances that exists in any democratic country. In India, constitutional and statutory bodies such as the office of the Comptroller & Auditor General, the

Table 13.1: Institutions and Mechanisms that Promote Accountability

Outside the State (Vertical)	
- To the people through elections - Through RTI Act to citizens	High effectiveness
- Citizens' oversight committees - Civil society/watchdog bodies - Media	Low effectiveness
- Service delivery surveys - Citizens' charters	Low to medium effectiveness
Within the State (Horizontal)	
<i>External</i> (Outside the Executive)	- Parliament - Judiciary - Lokayukta - CAG - CVC
<i>Internal</i> (Within the Executive)	- Superior officers - Rewards/punishments - Disciplinary procedures - Performance Management System - CBI/police/vigilance - Internal Audit - Grievance Redressal Mechanisms

Election Commission, and the Central Vigilance Commission (CVC) are examples of other oversight mechanisms that are autonomous but lie within the framework of the State. Analysts have categorized these accountability mechanisms into “horizontal” accountability mechanisms which refer to those located within the State as against ‘vertical’ accountability mechanisms which are those outside the State and include the media, civil society and citizens.

- By promoting transparency- Implementation of RTI in full earnest, especially the pro-active disclosure, then public officials would be more careful to function strictly according to the spirit of the law and constitution. Secondly, it would educate the people about their rights, entitlements and how to question their fulfillment.
- Capacity building of the stakeholders to question the public officials about their discharging of official duties. For example, the concept of Social Audit under MGNREGA.
- Effective implementation of laws like Prevention of Corruption Act, etc.

Responsibility

It means accountability to oneself, i.e. when the accountability turns inward. It is a moral concept, where a person feels the answerable to oneself for all his actions, even if it is not covered by any law. It is more enduring than accountability, because it is based on ethical reasoning, and the person would always do the right thing, even if nobody is there to watch his action, as he holds himself answerable to oneself. Here the person takes ownership of one's actions and decisions

Though, these terms are used interchangeably, there is a subtle difference between the two. Accountability makes the person accountable for the consequences of the actions or decisions made by him/her. As against this, consequences are not necessarily attached to the responsibility. Further, accountability requires a person to be liable and answerable for the things, he/she does. Conversely, responsibility expects a person to be reliable and dependable to complete the tasks assigned to him.

Responsibility is said to be attached with ethical maturity, therefore to inculcate responsibility we need to impart the moral, ethical values through training, role playing etc.

3.11. Miscellaneous Values

Innovativeness and Creativity

In a rapidly changing environment with new ICT technologies coming every day, civil servants have to be innovative and creative to utilize them to make their administrative work faster, smoother and more efficient. Moreover, administration should be ecology based, and when there are fast pace changes in ecology the civil servants must be creative enough to match the changing environment so as to fulfill their duties innovatively. For example, in the era of fast paced advancements in technology civil servants are left with little to no time to first understand the impact of advancements in technology and then frame policies on them. Rather they'll need to adapt to the circumstances and engage in pre-emptive policy making.

Courage and bravery

It is another feature of gutsy bureaucrats, because they can take transformational steps only if they have courage to accept the responsibility of failure, if there is any. Moreover, to uphold highest order of integrity, they have to be courageous, otherwise they would remain spineless, which is of no use.

Responsiveness

They have to be responsive to whatever new opportunities and challenges arise every day. And must be able to respond to the emerging needs of the people.

Fortitude

It means to have courage in pain or adversity, having courage over a long period. Civil servants work in dynamic environment where they may be subjected to various external pulls and pressures. They must demonstrate steadfastness and commitment to values that they adhere to.

Perseverance and Tenacity

It means continued effort and determination. It means doing something despite difficulties or delay in achieving success. Single-minded focus of researchers that keep on repeating experiments for number of years is a good example of perseverance. For civil services, perseverance is a key value. Changes that policies bring, for e.g. removing open defecation, or improving sex-ratio in a district are goals that cannot be achieved overnight. There will be lot of people opposing the schemes because it did not show results in one year or two years. Civil servants have to persevere if they honestly believe that the current policy/scheme is the best way to achieve desired goals, although there may not be an immediately visible impact.

Tenacity is very similar- it means the quality of being determined, persisting.

Resilience

Resilience is the quality to recover quickly and bounce back. It is the individual's ability to adapt in face of crisis and return back to pre-crisis status quickly, better prepared this time. Failure is inevitable in a task that has uncertainties and decisions that are based on incomplete information. The task of a civil servant is not to be bogged down by eventual failure of efforts but to dissect the causes of failure and develop a mechanism to incorporate negative feedback to improve up on future decisions. A positive attitude, ability to manage emotions and optimism are key qualities of people who are resilient.

3.12. Consequences of Erosion of Values

1. Corruption and absence of public service which is central to any administrative system.
2. The administration becomes unresponsive to public needs as it tries to fulfill the ends of the political party it is affiliated to.
3. It results in the destruction of meritocracy, where merit is rewarded and all service conditions are based on objective assessment of merit. Therefore, transfers, posting etc. are guided solely by affiliations rather than the capability of the respective civil servant. This results in inefficiency, ineffectiveness, complacency, and lack of morale.
4. It reduces the popular trust in the public services, thereby hurting their credibility.
(For more on this, refer to the material 'Ethics in Public Administration').

Incorporation of values – Please refer to each of the individual value described above for specific methods of incorporation.

4. Previous Years Vision IAS GS Mains Questions

1. *Value of compassion towards the weak extends the limits of operations of a public servant by introducing flexibility but dilutes the principle of objectivity. Discuss. If a conflict arises between the value of compassion and principle of objectivity, how will you deal with it as a public servant?*

Approach:

- Explain the values of compassion and objectivity.
- Elaborate whether such a conflict exists.
- If there is no conflict, then explain why it is so else suggest action to address it.

Answer:

A public servant needs to be compassionate so that he is concerned by the misfortunes and sufferings of unprivileged. Compassion motivates him to go out of way to help the weak. For this he may have to be flexible in his actions and work around the rules rather than working within it strictly. However, this can affect his objectivity.

Objectivity means that a public servant's decisions and acts should be based on merit and fairness. It entails respect, equality, and fairness. It doesn't matter whether someone has money or not, they must be treated fairly.

However, while working to help some weaker section he can project himself to be biased towards them. Also, some policy or decision may prove to be uneconomical or not useful and even antagonistic to some better off population, but he may want to carry it forward so as to help the needful. Also, if his decision proves to be wrong in hindsight he may invite disciplinary action for tinkering with the rules. Thus, it may lead to a conflict laden situation.

In such a situation, following path can be followed:

- Invoke one's conscience and decide whether the action is needed or not.
- Deliberating whether the act of compassion is not detrimental to the interest of public.
- Deviation from rules should be as less as possible and appropriate reasons for any deviation should be communicated to the senior authorities beforehand and in case of paucity of time, as soon as possible.
- The learning from the experience should be utilized to create rule based mechanism so that any such situation does not lead to conflict for oneself or any other official in the future.

2. *There can be honesty without integrity, but no integrity without honesty. Do you agree? Justify your stand with examples.*

Approach:

- Explain the meaning of honesty and integrity.
- Explain how they are related, which is more important and why.
- Give examples.

Answer:

Honesty and Integrity are often considered to be synonymous but they differ in their meanings. Integrity offers a more holistic approach, which is living by strict ethical principles and conduct.

An honest person has the following traits:

- Open and just in dealing with others;
- Straightforwardness of conduct, along with the absence of lying, cheating, theft, etc.
- Trustworthy, loyal, fair and sincere.

However, Integrity means *adherence to principles*. It is a three-step process:

- Choosing the right course of conduct;
- Acting consistently with the choice—even when it is inconvenient or unprofitable to do

- Openly declaring where one stands.

Accordingly, integrity is equated with moral reflection, steadfastness to commitments, trustworthiness. Here it is similar to its approach to 'honesty'.

The major difference between honesty and integrity is that one may be entirely honest without engaging in the thought and reflection that integrity demands.

For instance, a person may be honest and loyal to his superior but helps him indulge in malicious activities. Here, the sincerity of the person has personal benefits. He has compromised the dignity of the office and therefore lacks integrity.

Honesty can exist without Integrity because Integrity means consistently behaving in an open, fair, and transparent manner; honouring one's commitments; and works to uphold the Public Service Values.

Integrity cannot exist without honesty because integrity involves;

- Provides honest and frank opinion to uphold public interest.
- Trustworthy in all circumstances.
- Full disclosure, by sharing the political implications of the decisions being made.
- Creates a culture that encourages open, honest and ethical behaviour.
- Treats people impartially, regardless of political, social, demographic, geographic, circumstances or bias.

In any circumstances, a person with integrity always upholds the value of honesty automatically.

3. *Empathy is not only an important ingredient but also an indicator of one's emotional intelligence. Elaborate.*

Approach:

Briefly touch upon the concept of empathy and thereafter elaborate on how empathy is the most important component of being emotionally intelligent.

Answer:

To really understand what another person is thinking or experiencing is empathy. Empathy is the ability to communicate (send and receive messages) and lead by understanding others' thoughts, views, and feelings. Empathy has long been established as a cornerstone of emotional intelligence. Empathy is the most important aspect of EQ. It is the component of EQ that equips the government servants to address the problems of underprivileged in the society. In a society like India where stereotypes are abundant, empathy can help a civil servant understand the problems of society in a better manner. Empathetic listening is powerful because it gives us a picture of what is going on with others. When we quit forcing our thoughts and desires onto others, it allows us to re-experience what others are truly thinking and feeling.

Among those with an equal level of innate emotional intelligence, the person who has actually experienced the widest range and variety of feelings, the great depths of depression and the heights of fulfillment, for example, is the one who is most able to empathize with the greatest number of people from all walks of life. On the other hand, when we say that someone "can't relate" to other people, it is likely because they haven't experienced, acknowledged or accepted many feelings of their own.

Empathy is what allows a Civil Servant to understand deeply what the citizen is feeling. It is the patient exploration of the other's person's thoughts, feelings, and emotions. In part, it allows them to create a connection with the citizens. Emotional Intelligence solidifies that connection. While empathy allows the Civil Servant to understand what the citizens are feeling, emotional intelligence is what allows them to communicate that they understand those feelings and their implications.

Together these abilities allow the Civil Servant to understand the other person's communication in not only their words, but also in what lies beneath their words. Working to understand another person's thoughts, their feelings, and emotions, and communicating with emotional intelligence, are the foundations of building trust.

These attributes are seen in successful civil servants. One can see it when the citizens open up, sharing their problems, challenges, and opportunities with the Civil Servant. One can see it in the Civil Servant's ability to help manage the citizen's emotional state, using their connection with the citizen to build a vision of something better. Great Civil servants leverage the ability to feel what the other person is feeling, and to use their high emotional intelligence to communicate with them, as well as others, to resolve the issue.

4. Discuss the concept of integrity and how it is neither a single character trait nor limited to a particular role.

Answer:

- Integrity develops when one cultivates a pattern of consistently acting in ways that combine sound reasons with affective confidence.
- A person with integrity can intentionally and systematically assess decision alternatives in terms of the soundness of his reasons for selecting each one and the quality of the feelings he can expect about choosing it. Consequently, he may also be able to identify the sources of those positive or negative feelings.
- On the other hand, those whose actions are in conflict with what they believe are lacking in integrity. They cannot be trusted because their inner controls are so weak that their behavior is unpredictable and inconsistent.
- Maintaining a high degree of subjective responsibility is important not only for the sake of our sense of wholeness, self-esteem and identity – essential as these are to mental health – but also for the fulfillment of our objective responsibility.
- It has been suggested that integrity involves wholeness, not only within ourselves, but also in our relationships.
- Moreover, integrity is neither a single character trait nor limited to particular roles, but rather “a sophisticated state of processing experience in the world that encompasses moral judgment, creativity, and intuitive capability, as well as rational analytic powers”.
- Integrity can be understood as: (i) integrity as the integration of self; (ii) integrity as maintenance of identity; (iii) integrity as standing for something; (iv) integrity as moral purpose; and (v) integrity as a virtue.
- Thus integrity is neither a single character trait, nor limited to a particular role.
- Administrators who have integrity invite trust from others because they are consistent in word and deed. And it is this trust that actually integrates an organization.

5. Integrity is different from honesty and is probably the most important attribute for a Civil Servant. Elaborate.

Approach:

Define integrity and honesty separately as they are defined in ethics then establish the difference between them. Thereafter discuss both the qualities from the perspective of a civil servant and finally establish integrity as the most desirable quality.

Answer:

Integrity can be defined as consistency of actions, values, methods, measures and principles that one holds. An individual can be described as having the virtue of integrity if the individual's actions are based upon an internally consistent framework of principles. Thus if an individual has a framework of a value system and he is acting congruently within the given framework he will be called as a man of integrity.

Thus, Integrity refers to character while honesty is a trait. As character is the sum total of persons trait, honesty may be said to be a part of integrity. Honesty is the human quality of communicating and acting truthfully. It is related to truth as a value. This includes listening, and any action in the human repertoire — as well as speaking. Superficially, honesty means simply, stating facts and views as best one truly believes them to be. It includes both honesty to others, and to oneself and about ones own motives and inner reality.

An example of integrity could be when you are playing a game without a referee and asked to call your own fouls. If you commit a foul, the person with integrity would admit it and the person without integrity would not.

One friend may tell another, "Only poor people work on garbage trucks." She may be honest in her belief without taking the time to determine if she is right, if she had done so she would have displayed integrity.

Thus, by these definitions it is quite clear that Integrity comes in the picture at the level of "action or performance" while honesty exists at more elementary level of thoughts and behaviour. A civil servant is expected to hold the "public good" at highest priority and to stay true and honest to the mandate of his service. Thus, it becomes most important that he not only stays honest to these principles rather he should be able to stand against odds to insure the integrity. This requires additional qualities of courage and ability to withstand pressure and wider understanding of responsibility as well.

In the context of civil services and public life integrity and honesty are defined from the perspective of the responsibility of a civil servant. The Committee on Standards in Public Life in the United Kingdom, popularly known as Nolan Committee describes integrity and honesty as:

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.

Honesty: Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Thus integrity is one of the most desirable qualities of a civil servant. If a civil servant is under undue political pressure to act in a manner, which is contradictory to the values of impartiality and fairness and the mandate of his duty then he should be ready to

compromise his personal value of honesty at that moment to uphold his integrity to his office. Thus public servants should hold their office in trust that they shall not use public office for private gain and they shall act impartially and not give preferential treatment to any private organisation or individual. Only by ensuring one's integrity one can stay true to his duties and this is the only way to remove corruption.

6. What do you understand by Civil Services neutrality? Why is neutrality one of the most important foundational values for a civil servant?

Approach:

The answer should consist of the following parts:

- Explain what is Civil services neutrality?
- What are the benefits of this value in civil services?
- What are the disadvantages if neutrality is not observed?

Answer:

Civil services neutrality is one of the foundational values that should be imbibed by a civil servant. Neutrality means that a civil servant should not have any political affiliations and that change of political leadership should have no effect on the civil servant offering unbiased technical advice to his political master. Neutrality requires that a civil servant can't campaign or join any political party and should serve every politician without fear or favour.

- **Civil services neutrality has helped in the growth of merit system** which ensures that only the best and the brightest are made civil servants.
- A neutral civil servant will have the **trust of his political boss in the objectivity of his advice**. His advice will be given due importance. In a democracy, political executive come and go, but permanent executive who are neutral are needed to ensure continuity in the administration.
- If neutrality is not observed by civil servants then it will **lead to a system of nepotism**. The **quality of public services will soon decline**.
- Also, **it will see a breakdown of the civil servant-minister relationship** as the latter will lose trust and faith in the civil servant. For any system to function efficiently, its team members must work collectively and that will only happen if they have faith in each other's intentions. Without neutrality this faith can never be established.

The recent trend of using transfer and posting to reward the corrupt and punish the honest is a threat to civil services neutrality. There is a need to guard against this trend. A strong and enforceable code of ethics for civil servants as well as ministers is needed to maintain the trust between the two.

Ideologies of parties change with each election. In such a scenario, a neutral and de-politicized bureaucracy is the foremost requirement. Hence, every civil servant must foremost imbibe the value of neutrality to serve the system to the best of his abilities.

7. **'Objectivity' and 'neutrality' are among the core civil service values. Discuss with examples.**

Approach:

The answer should begin by explaining the meaning of objectivity and neutrality. Further, the answer should discuss how these values are considered as the core of civil services. Bring out their importance in a democratic setup and how they help in building trust in government and improving its efficiency. Give instances where these values should be followed.

Answer:

Civil Service values are accepted principles and standards that are expected to be followed by the civil servants. They act as internal moral compass and guide the civil servants in making decisions in the public interest, especially in situations, where they face dilemma or conflict between public duty and personal interest.

Two such core values of civil service, among several others, are 'Objectivity' and 'Neutrality'. The Civil Service Code of UK defines **Objectivity** as '*basing your advice and decisions on rigorous analysis of the evidence.*' Lord Nolan Committee of Britain in 1995 placed objectivity among the seven core values of Civil Service. It defined objectivity, as follows:

"In carrying out public business, making appointments, awarding contracts, recommending rewards and benefits, holders of public office should make the choice on merit."

If the civil servant is objective, he will provide information and advice, including advice to Ministers, on the basis of evidence, and accurately present the options and facts; take decisions on the merits of the case; and take due account of expert and professional advice. He will not ignore inconvenient facts or relevant considerations when providing advice or making decisions; or frustrate the implementation of policies once decisions are taken, by declining to take, or abstaining from, action which flows from those decisions.

An objective decision always has a greater probability of success and meeting public interest than a decision taken on subjective considerations like emotions, biases, personal interest etc. In a parliamentary democracy, like India where a layman politician is guided by an expert civil servant, this value becomes very important. It assures the minister that the civil servant is giving advice in public interest and has no hidden agenda. Public will be assured about the merit of government's decision and even if a decision does not give the desired results, it will not cause disillusion among the people regarding the honesty and intention of government decisions.

Neutrality is referred to the absence of any political affiliations and biases on the part of civil servants while discharging their duty. A civil servant has to uphold impartiality and is professionally concerned with the rational application of policies determined by the political executive.

The principle of neutrality ensures that a civil servant can follow ethical conduct without fear or favor. In a democracy, government acts as a trustee of public money, is not autocratic, and ensures that citizens enjoy their rights. This can be ensured by an impartial civil administration. Like objectivity, it assures the political executive that civil servant is giving free, frank and fair advice based on merit and the advice is apolitical in nature. A neutral administrator will be in a better position to give advice in the greater

interest of the society rather than to further the ideology of the party in power. Citizens are ensured that whatever political party is in power the governance will be as per the constitution and rule of law. It also ensures continuity with change i.e. governments may change but there is a great degree of continuity in administration and policies.

Neutrality also becomes important because it is often confused with policy and value neutrality i.e. civil servants do not apply their own value judgments and policy evaluation, but blindly follow the order of political executive. Hence, the need is to follow positive neutrality. Such a value in the civil service will make it independent and impartial, but at the same time it will seek values that will benefit the society and it would not be passive to the unethical and immoral decisions of political executive.

In recent cases of Spectrum allotment or Coal block auction, the immense loss to the public exchequer occurred because of lack of objectivity and neutrality. The bureaucrats colluded with political executives and suggested decisions that were not based on merit but aimed to further the interest of those in power. If the principle of objectivity and neutrality would have been followed such an immense loss of public money as well as public trust in the *governance* would not have taken place.

Thus, these core values support good governance and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, Parliament, the public and its customers.

8. What do you understand by aptitude? What kind of aptitude is considered important for civil services? What measures have you taken to make yourself fit for being a civil servant?

Approach:

The answer should begin with the definition of aptitude and some types of it. The second part of the answer should discuss the aptitude/qualities needed by a civil servant to be effective. The final part of the answer should discuss some personal efforts in that direction. One may conclude the answer with the idea that aptitude, being innate, can't be developed if it is totally absent, but one may foster/enhance one's abilities if they are already present.

Answer:

Aptitude is an innate set of characteristics, regarded as symptomatic of an individual's ability to acquire, with adequate training, some knowledge, a set of skills, like the ability to produce music, or ability to perform administrative functions etc. Aptitudes may be physical or mental. Aptitude is not developed knowledge, learned or acquired abilities (skills) or attitude. The innate nature of aptitude is in contrast to achievement, which represents knowledge or ability that is gained through learning.

Following are some of the characteristics of aptitude:

- Aptitude refers to some future potentiality.
- Aptitude is innate capability.
- Aptitude implies fitness or suitability for activities in question.

Broadly, there are two types of aptitude required for civil services:

- **Physical Aptitude:** It is physical and physiological fitness for efficiently performing one's duty. It is more relevant for those services, which require field work.
- **Mental Aptitude:** It includes those qualities, which have to do with the psychological or cognitive processes. It is regarded as important for all types of services, more so for civil services. It may further be classified as under-
 - **General Mental Ability:** It is the basic thinking capacity needed for any intellectual task. It is the foundation on which lie the other components of aptitude.
 - **Appropriate Value System:** It is the combination of the desired values, like empathy, objectivity, impartiality, commitment, compassion etc. For civil services this component of aptitude is most important for performing one's job, not only efficiently, but also effectively.

As an aspirant of civil services, I have taken the following measures for making myself fit for the same:

- Since, healthy mind resides in a healthy body; therefore, for keeping myself physically fit I perform physical workout regularly.
- While, the general mental capacity remains almost constant throughout one's life, value aspect can be developed through various means, like- learning the teachings of great moral, philosophical and administrative thinkers; changing one's peer group, which are more deserving and fit for civil services, because we learn through observation (Bandura); performing some activities which are required to be performed by a civil servant, like to be empathetic to others, to uphold standards of morality/ethics, adhering to the law of the land etc.

Though, these things are easier said than done and it is very difficult for anyone to always follow and practice them. Therefore, to keep myself motivated to do them, I reward myself whenever I do any of the above-mentioned things. Some of the other methods to develop appropriate attitude include reading books, meeting civil servants and talking about their experiences, interacting with people from all walks of life to understand their perspective and ideas on issues etc.

Since, aptitude is an innate potentiality, therefore, one cannot develop an aptitude if it is completely absent from one's psycho-physical system. However, one can enhance his/her abilities if one is blessed with them.

9. Explain the importance of diligence as a value for a civil servant. How can it be inculcated among civil servants?

Approach:

The basic theme of the question is explicit and self-evident i.e. capacity of perseverance in carrying out action and its usefulness for a civil administrator. Accordingly, the answer can be framed in the following manner:

- Define diligence and explain its importance in the lives of civil administrator.
- Explain various methods used in family, school and work training to inculcate the value.

Answer:

Diligence is the quality of showing perseverance in carrying out the work while showing active engagement and careful attention to every details. This quality is indispensable

to every civil servant considering the complexity of work and great responsibility which comes with it. Example being to implement the anti-corruption laws in a district administration where corruption is a way of life, to conduct relief and rescue operations in a disaster struck area, one needs to be very careful and attentive with strong will to carry out the task. Though diligence is vital for carrying out the duty of civil servants, it is equally difficult to inculcate since modern life tends to value comfort more than hard work.

However, such a value can be inculcated among civil servants in the following ways:

- **By role modelling:** There have been various public personalities who showed exemplary quality of diligence in their public conduct. e.g. M. Shreedharan, T. N. Sheshan, J. Lyngdoh. Such personalities should be made role model for civil servants by making them aware of their lives.
- **Social recognition of performing civil servants:** Giving recognition and rewards to individuals who practices such quality will provide motivation to fellow civil servants to adopt such values.
- **Giving adequate autonomy to civil servant:** freedom from political pressure will provide the civil servant to actively engage in his work.
- **Providing adequate resources:** diligence not only require individual will but resource in form of information and means to carry out the task. Provision of adequate resources will create conducive condition for inculcation of diligence as practical value.

10. ***"If you want others to be happy, practice compassion. If you want to be happy, practice compassion". In what ways can a compassionate public official be more useful for realizing public service goals?***

Approach:

- Introduce by defining the meaning of compassion.
- Discuss how compassion leads to happiness.
- Explain how compassion is relevant in public services.
- Conclude on the basis of above points.

Answer:

Compassion is defined as the feeling that arises when you are confronted with other's suffering and feel motivated to relieve that suffering. It is the "unselfish concern for the welfare of others". Compassion involves actions based on the feeling of empathy. It involves self and others and thus has the potential to create all round happiness. One reason compassion makes us happy is that it broadens our perspective beyond ourselves. And our action, informed by empathy towards others, creates happiness for others, through:

- Increasing kindness for oneself and others.
- Developing profound levels of calmness and resilience in traumatic situations.
- Helping calm the mind and directing thoughts in a positive direction.
- Sharpening the ability to focus and to be more effective.
- Giving access to a variety of self-care skills and techniques.

For example: setting up of shelter homes by public servants or social workers during winters is an act of compassion. It pleases both the giver and the receiver.

Usefulness of compassion in public service:

- Increases the ability to handle stressful work situations, which are very usual in day-to-day routine of a public servant. For example, resilience in the face of adversity or public protest.
- Leads to better engagement and collaboration with people who are being served.
- Enhanced insight, brainstorming, and innovation with peers and colleagues.
- Better strategic thinking and decision-making skills even in adverse situations.
- Decreased job overwhelm, increased job satisfaction.
- Compassionate people value learning, adaptability, and growth in different spheres of work.
- It is required to tackle a variety of challenging problems such as shrinking budgets, new methods of community outreach and responding to natural disasters.
- Compassion training can serve the needs of a range of public and social service authorities, such as government workers, NGOs, international organizations, public service consultants and professionals like doctors. Compassion training encourages people to take action in a new way – by slowing down, paying attention, and gaining an awareness of the inner resources at their disposal.

The use of Gandhiji's talisman by the district administration of Kozhikode in Kerala to set up the project, 'Compassionate Kozhikode', which helps institutions like mental health centers, children's home, old-age home etc. is an example of compassion being an effective element of public service.

5. Previous Years Vision IAS GS Mains Questions: Case Studies

1. *You are posted as a District Collector in one of the districts in India. It has been brought to your notice that a structure has been built by few members of a religious community on the public land without getting due permissions. In keeping with the guidelines of the Supreme Court of India, disallowing the construction of any permanent religious structures on public land, you are contemplating its removal. However, the leaders of the community in question have requested you to permit the structure saying that it is for the period of month long religious festival only. Moreover they say that there is no other religious place nearby where community members can celebrate their festival. Your seniors and the political leader of the area also support their views. However you are skeptical that after the festival is over, it may not be easy to remove the religious structure from the public land due to the involvement of community members at large.*
 1. *Perform an objective and subjective analysis of the case.*
 2. *What will you do in such a situation?*

Answer:

Objective Analysis:

1. The constitution of India caters to treat everybody as equal before of the law irrespective of his religion. Thus, religious community in the question should not be dealt with any special treatment.
2. As a civil servant an officer should follow the guidelines of SC as its interpretation is final and binding in India.
3. If he violates the law he has to answer to his superior for such a violation.
4. The religious community too is part of Indian population. Therefore, their customs and beliefs should be respected.

Subjective Analysis:

Religion plays an important part in lives of people in India. If the structure is removed, the action can be given a communal color. Since our model of secularism respect all the religion equally, their sentiment should also be respected. Leadership quality of civil service also demands not to antagonize any community.

Course of Action:**1st Approach**

Firstly, leaders of the community should be persuaded that though District Administration fully respect the values and customs of their religion but due strict guideline administrators have to suffer from penal action if structure is not removed.

Second, if leaders do not agree, then the matter should be discussed with the superiors that are there any authority which can give such permission. If it is not possible, then he should remove the structure.

If such solution is not available, then he should check whether it is possible to limit the number of people attending the festival, based on law and order administration available and with the help of leaders of the community? If it is possible, then he can allow them to take up the festival because structure can be removed later if number of people involved is not much. If it is not possible, then he should remove the structure.

2nd Approach

Community activities can be taken up on a government land but proper permission needs to be taken so I will ask to that community to take requisite permission in written manner.

As a district officer it is my responsibility to maintain law and order and peace in district and also to ensure sentiments of community is not hurt. Therefore to maintain such balance permission will be granted till festive month but after that demolition will be carried out under municipal act, following proper procedures and discussions with influential and important members of religious community such that peace would not be disturbed.

2. ***You are the director of a unit in a regulatory agency that is charged with monitoring the use of potentially harmful commercial chemicals. Geeta, a junior project manager under your supervision, is responsible for studying a broad-spectrum insecticide that is used not only in agriculture by small food-grain farmers and cotton farmers, but also in the livestock sector as an animal spray. She has been assigned to determine whether this product should be removed from the market. At a social event, Geeta met a man named Siddharth, who she later learned was the Mumbai representative for the insecticide manufacturer. After meeting Siddharth several times, she became rather fond of him and wanted to pursue the relationship further. However, Geeta realized that their professional roles created a potential conflict of interest for her, and she decided to tell you about the situation. She intended to continue seeing Siddharth and said she considered herself mature enough to maintain a separation between her professional and private lives. Geeta insisted that her feelings for Siddharth would not influence her judgment in any way; in fact she and Siddharth had never even discussed the chemical in question. What would you do in such a situation? While you evaluate the alternatives available to you, what are the moral codes and maxims that come to your mind as reference points for arriving at a decision?***

Answer:

1st Approach

Approach

In this case the ethical situation is not much clear. Has Geeta done anything that represents a breach of professional ethics? Because of her relationship with Siddharth, it might well be difficult for her to maintain objectivity in discharging her duties. But perhaps it might not be. People differ in their ability to manage tensions of this kind. And what is your responsibility? Is it more important to avoid even the appearance of unethical conduct within your organization or to support an employee's right to freedom in her private life? Should Geeta be trusted until her behaviour demonstrates otherwise? Examine your alternatives and arrive at a suitable conclusion.

Answer

You have to think about how to handle this highly sensitive situation. Some alternatives may come immediately to your mind:

1. Order Geeta to stop seeing Siddharth
2. Transfer her to another task
3. Discuss the matter with your superior
4. Trust Geeta to do the job without being biased by the relationship

Then you consider the possible consequences:

- Geeta may resign
- Progress on investigating the chemical may be delayed
- The media may pick up the story
- A biased decision may be reached about the chemical, with serious consequences for the public
- You may be blamed for irresponsible conduct if your superior discovers the relationship without being informed by you

As you evaluate the alternatives and their possible consequences, various moral rules and maxims come to mind as reference points for arriving at a decision:

- "You should be fair with subordinates under your supervision." Would you handle this situation differently if it involved a male member of your staff?
- "Avoid even the appearance of evil." Even if Geeta performs in an objective, professional manner, will the credibility of your organization be eroded if this situation is picked up by the press?
- "Honesty is the best policy." If you take any action that Geeta perceives as punishment or distrust, are you discouraging honest communication from your staff? Should you tell your superior, or should you maintain Geeta's confidence and accept responsibility for dealing with the situation yourself?

As we review the facts of the case, the alternatives for action, and their likely consequences on the one hand, and associate them with our stock of relevant moral rules on the other, the field of alternatives begins to narrow and one or two rules emerge as crucial. We can move towards a decision, with the practical consequences and the moral justification related in some way that is acceptable to us.

After defining the situation as objectively as possible and defining the ethical issue, the most difficult requirement is resisting the inclination to view the alternatives in dichotomous terms, as meaning that you must do either this or that. Either you tell

Geeta to stop seeing Siddharth, or you trust her to handle the relationship in a professional manner. This either-or view is the most common trap in the ethical process. Rarely does such an ethical issue have only two or three possible solutions: If you tell Geeta to stop seeing Siddharth, what is the likely outcome? What if you transfer her to another position? Ask another member of the staff to work along with her? Tighten your supervision of her work? What chain of events will likely unfold, and toward what end?

There may also be regulations concerning conflict of interest that could apply to this case. Moreover, the importance of individual dignity should be considered along with respect for privacy: values that are highly important. The question is not only whether you should observe the regulations or be responsive to Geeta's wishes. Rather, it is a matter of how the intent of the regulation can be upheld while still showing respect for Geeta's dignity and privacy. The tension between these two obligations is a healthy one for any superior to address and reflect on. Simply ordering Geeta to stop seeing Siddharth would be treating her in a mechanical and disrespectful manner, but simply giving in to her would run the risk of accepting real or perceived conflicts of interests.

Thus one solution might be to talk it through with her, offering assurance that you understand her dilemma and want to be helpful. You might then discuss the various alternatives for protecting her dignity and privacy while fulfilling your duty to the law. You should attempt searching her for a win-win solution that does not punish her for having a private life outside work.

2nd Approach

Analysis

- Regulatory organization is very crucial as it can affect the lives of people, animal and environment. Geeta's relationship can have detrimental effects on the stakeholders.
- If this issue comes into the public domain, people can lose the faith in regulatory framework of the country.
- Though Siddharth have not asked her to help in this matter, but in future it can happen.
- If she is not allowed to continue her relationship, it can affect her efficiency.

My action

First, I will find out whether code of conduct or code of ethics of the organization clearly debar such relationship. If it is so, then I will convey it to Geeta. I will also explain how important it is to remain neutral in regulatory works. I will explore the options of transferring her to some other departments. If no other solution work, I will ask her to make a choice between the relationship and the office.

If no code anywhere mention about such relationship, even then I owe the responsibility to carry out the regulatory functions with autonomy and unbiased. Thus, I will transfer the case of Siddharth's company to the other officials than Geeta.

3. *A junior member of staff has just returned to work after taking special leave to care for her elderly mother. For financial reasons she needs to work full-time. She has been having difficulties arranging proper care for her mother, which has led her to miss important team meetings (usually taking place at the beginning of each day) and to leave the office early. She is very competent in her work but her absence is putting pressure on her as well as her overworked colleagues. You being her manager are aware that the flow of work is coming under pressure due to this. One of her male colleagues is beginning to make comments such as “a woman’s place is in the home”, and is undermining her at every opportunity, putting her under even greater stress. How will you deal with the situation?*

Answer:

Fundamental Principles

1. **Integrity:** You need to be fair to all those involved and act in a straightforward manner.
2. **Confidentiality:** You have a duty of maintaining confidentiality to the staff involved.
3. **Professional behaviour:** How should you proceed so as not to discredit yourself, your profession or the practice for which you work?

Identify Relevant Facts

Consider the firm’s policies and, with legal assistance if required, applicable laws and regulations.

Identify affected parties

1. The Junior staff
2. You
3. The member staffs
4. The Male colleague and the HR

Who should be involved in the resolution?

Consider not just who you should involve but also why and when. Do you have access to appropriate staff in HR? Can you consult someone in the office in whom you can confide?

Possible Action

1. Check the relevant facts: Clarify staff procedures with the senior HR manager. Take legal advice if required.
2. Discuss the matter with the staff member: Suggest a more flexible approach to team meetings – do these always have to be in the morning? Working from home may be an option for the junior staff member, if possible.
3. Remind the male member of staff about proper conduct and how such behaviour may amount to harassment and he might have to face legal problems along with the chance of spoiling company’s reputation.
4. Throughout, you must be seen to be acting fairly: both towards the junior member of staff, who is responsible for her mother’s care, and towards other members of staff.

6. Previous Years UPSC GS Mains Questions

- What do you understand by the following terms in the context of public service?
(i) Integrity,
(ii) Perseverance,
(iii) Spirit of Service,
(iv) Commitment,
(v) Courage of conviction
- Indicate two more attributes which you consider important for public service. Justify your answer.
- How do the virtues of trustworthiness and fortitude get manifested in public service? Explain with examples.
- Why should impartiality and non-partisanship be considered as foundational values in public services, especially in the present day socio-political context? Illustrate your answer with examples.
- Examine the relevance of the following in the context of civil service: (a) Transparency (b) Accountability (c) Fairness and justice (d) Courage of conviction (e) Spirit of service.
- One of the tests of integrity is complete refusal to be compromised. Explain with reference to a real life example.

7. Previous Years UPSC Mains Questions: Case Studies

- Suppose one of your close friends, who is also aspiring for civil services, comes to you for discussing some of the issues related to ethical conduct in public service. He raises the following points:
 - In the present times, when unethical environment is quite prevalent, individual attempts to stick to ethical principles may cause a lot of problems in one's career. It may also cause hardship to the family members as well as risk to one's life. Why should we not be pragmatic and follow the path of least resistance, and be happy with doing whatever good we can?
 - When so many people are adopting wrong means and are grossly harming the system, what difference would it make if only a small minority tries to be ethical? They are going to be rather ineffective and are bound to get frustrated.
 - If we become fussy about ethical considerations, will it not hamper the economic progress of our country? After all, in the present age of high competition, we cannot afford to be left behind in the race of development.
 - It is understandable that we should not get involved in grossly unethical practices, but giving and accepting small gratifications and doing small favours increases everybody's motivation. It also makes the system more efficient. What is wrong in adopting such practices?

Critically analyze the above viewpoints. On the basis of this analysis, what will be your advice to your friend?
- Suppose you are an officer in-charge of implementing a social service scheme to provide support to old and destitute women. An old and illiterate woman comes to you to avail the benefits of the scheme. However, she has no documents to show that she fulfils the eligibility criteria. But after meeting her and listening to her you feel that she certainly needs support. Your enquiries also show that she is really destitute and living

in a pitiable condition. You are in a dilemma as to what to do. Putting her under the scheme without necessary documents would clearly be violation of rules. But denying her the support would be cruel and inhuman. (a) Can you think of a rational way to resolve this dilemma? (b) Give your reasons for it.

3. Rameshwar successfully cleared the prestigious civil services examination and was excited about the opportunity that he would get through the civil services to serve the country. However, soon after joining the services, he realized that things are not as rosy as he had imagined. He found a number of malpractices prevailing in the department assigned to him.

For example, funds under various schemes and grants were being misappropriated. The official facilities were frequently being used for personal needs by the officers and staff. After some time, he noticed that the process of recruiting the staff was also not up to the mark. Prospective candidates were required to write an examination in which a lot of cheating was going on. Some candidates were provided external help in the examination. Rameshwar brought these incidents to the notice of his seniors. However, he was advised to keep his eyes, ears and mouth shut and ignore all these things which were taking place with the connivance of the higherups. Rameshwar felt highly disillusioned and uncomfortable. He comes to you seeking your advice. Indicate various options that you think are available in this situation. How would you help him to evaluate these options and choose the most appropriate path to be adopted?

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PUBLIC CIVIL SERVICE VALUES AND ETHICS IN PUBLIC ADMINISTRATION

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1. Importance of Ethics and Values in Public Services

Ethics is concerned not only with distinguishing right from wrong and good from bad but also with doing what is just, fair and proper. Civil service is the executive arm of the government. It is permanent and the closest manifestation of the State for the people. Exercising the duly conferred sovereign power of the state, it has been entrusted with huge responsibilities. The Civil Service supports the Government in developing and implementing policies, enforcement of law, delivering public services and management of resources entrusted in the state on behalf of the people.

Even though there is constitutional and legal sanctity to the exercise of power by civil services, the legitimacy is gained through the manner in which it is exercised. Ethics in public administration is essential to build public trust. And thus, in order for civil servants to exercise power with justice and fairness, ethics becomes necessary. Ethics/Values provide a framework for accountability between the public and the administration and ensure that the public receives what is due to it in a fair and just manner, so that it is widely acceptable. Ethics help Civil Services to ensure the achievement of the highest possible standards in all that the Civil Service does. It not only provides guidelines (internal in the form of values and external in the form of Codes of Conduct) for appropriate behaviour but also ensures that public trust is earned and maintained. By creating this atmosphere of trust, the administration helps the public understand that they are working with their best interests in mind. When public servants work with integrity and there is probity in governance, it helps foster trust with society and ultimately leads to good-governance.

2. Public Service Ethics/Administrative Ethics

The term public service ethics or administrative ethics refers here to principles and standards of right conduct in the administrative sphere of government.

- There is an enormous range of values by which public servants' attitudes and actions are influenced. These include social, political, personal and administrative (or organisational) values.
- Consider the challenge of applying ethical principles to the reconciliation of such administrative values as efficiency, effectiveness, accountability, neutrality and responsiveness. For example, pursuing of absolute transparency may compromise departmental confidentiality. Similarly, responsibility towards the political executive may entail compromise on objectivity in dealing with public. Elaborate guidelines and rules exist for resolving such conflicts by adhering to ethical principles.
- Public servants have traditionally been advised that responsible administrative behaviour requires that they adhere to a number of generally worded rules or commandments such as:
 - Act in the public interest
 - Be politically neutral
 - Do not disclose confidential information
 - Provide efficient, effective and fair service to the public
 - Avoid conflicts of interest
 - Be accountable

Several difficulties arise from these generally worded commandments:

- Lack of clarity and certainty in their meaning and how to actually use them in practice.
- The formulation of the rules has been top-down rather than bottom up. For them to be effective, they must not only be externally accepted but also internalized. Appropriateness of rules can thus be questioned. For example, political neutrality although a core principle

of civil services, is practically unimplementable. The working relations between civil servants and politicians makes it difficult to be absolutely neutral.

- Third, the rules sometimes clash with one another, at least in interpretation. Often the correctness of decisions is defended by being target oriented whereas indecision is defended by being means/rules oriented. Efficiency, speed and effectiveness may sometimes compromise objectivity, accountability, responsibility and empathy.
- There is also a need to ensure that there is a continuous evaluation and evolution of rules of decision making in light of socio-economic-political change in the country.

3. Ethics in Public Administration

Professional ethics of a public administrator encompass standards of behaviour and conduct that are crucial for performance of his/her public duties. These include ideas and actions to make things right and a behaviour that reflects a sense of public administration. The object of ethics in public administration is to instill a sense of professional morality in the administrator to perform his duty in a manner that conforms to the highest ethical standards.

3.1. Need of Ethics for Public Administrators

- Compared to the political, legal, technical and financial dimensions of public administration, the ethical dimension has been sorely neglected in Indian Administration.
- Moreover, much of the recent public and media concern about public service ethics has centred on conflict of interests and, to a lesser extent, on issues of political partisanship, public comment and confidentiality.
- Over the past two decades, governments have responded to these issues by bringing out a large number of statutes, regulations and guidelines.
- However, these high-profile issues constitute only a small proportion of the total field of ethical problems.
- Many other ethical issues of enormous importance receive comparatively little public and scholarly attention.
- These are issues, which relate less to the use of public office for private, personal, or partisan gain and more to ethical and value conflicts and dilemmas that arise in the performance of administrative duties.
- **Humanity:** Humanity is another central ethical principle that denotes that one ought to be particularly observant and sympathetic towards persons in a vulnerable and difficult situation. We then see others as fellow beings that we shall meet with empathy, sensitivity and compassion.

Human Rights

- According to Article 1 of the United Nations Universal Declaration of Human Rights, "All human beings are born free and equal in dignity and rights."
- They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Human Rights can be understood as a set of acknowledged principles of international law as well as a broader set of endorsed values whose implications remain contested or ambiguous.
- The field of human rights involves an evolving transnational project to define an ethical baseline for the governance of human society.
- As modern moral philosophy is increasingly revolving around claims-based and rights-based ethics, human rights come in as a most fundamental principle.
- When these rights-based theories argue that people have a claim to certain freedoms and rights, and that people have claims against somebody, it is important to identify what claims people have and who has an obligation to secure these rights.

3.2. Determinants of Ethics in Public Administration

The major determinants of administrative conduct in the public sector include:

- 1) The political construct, of which public administrators are a part
- 2) The legal framework
- 3) The administrators and public employees who are responsible for the provision of public services
- 4) The citizens and users of public service that are part of the civil society.
 - First, the determinants of ethics in public administration with regard to the individual attributes of public/civil servants include ethical decision-making skills, mental attitude, virtues, and professional values.
 - Secondly, the organizational structure dimension is explained by clear accountability, collaborative arrangements, dissent channels, and participation procedures.
 - Third, the political organizational culture includes artefacts, beliefs and values, and assumptions. Leadership is important in the development, maintenance, and adaptation of organizational culture.
 - Ethical behaviour is encouraged when organizations have a climate where personal standards and employee education are emphasized, where supervisors stress the truth, and where employees regularly come together to discuss ethical problems.
 - Finally, societal expectation includes public participation, laws, and policies.

4. Code of Ethics and Code of Conduct

A key element of sound administration is the development, issuance and acceptance of a comprehensive Code of Ethics and Conduct, which sets out, in very practical and clear terms, the standards of behaviour expected of all public servants.

4.1. Purpose of Code of Ethics and Conduct

The Code of Ethics and Conduct describes, in very practical and clear terms, the minimum standards of behaviour required of all civil servants. These standards serve as a guide when making decisions and taking actions.

Key Elements: The key elements of such a Code are:

1. Personal Responsibility
2. Compliance with the Law
3. Relations with the Public
4. Limitations on the Acceptance of Gifts, Rewards, Hospitality and Discounts
5. Avoiding Conflicts of Interest
6. Limitations on Political Activities
7. Conduct in Money Matters
8. Confidentiality and use of Official Information
9. Use of Official Property and Services
10. Private Purchases of Government Property by Employees
11. Work Environment

4.2. Current Status of Ethical Standards in India and Other Countries/Organisations

Historical background- Ethics and morality have been the hallmark of public life in India since ancient times. This ethical and moral legacy was inherited by our leaders, who demonstrated a high degree of probity and honesty in public life during the freedom struggle led by Mahatma Gandhi. They not only preached morality in public life but also practiced it. Gandhiji believed

that politics without morality is a thing to be avoided. His commitment to truth and non-violence as well as belief in power of masses is a testimony to high standards of leadership. Even though he never enjoyed any position of authority, his conduct in public life reflects the values expected of people in such positions.

4.2.1. Central Civil Services (Conduct) Rules 1964

While the Central Government has issued conduct rules for government employees known as Central Civil Services (Conduct) Rules 1964, it does not lay down the values, which civil servants should follow or a code of ethics. The rules are more in the nature of “do’s” and “don’ts”. The Conduct Rules cover matters such as property transactions, acceptance of gifts, joining non-political organizations and a host of other issues covering almost every activity, which a normal individual undertakes. The rules are highly restrictive, seriously curtailing freedom of operation of a government employee, couched in vague language and sometimes impractical to follow.

4.2.2. First Initiative for Code of Ethics- May 1997

The Department of Administrative Reforms of the Government of India had prepared a Code of Ethics for public services, as part of an Action Plan for an Effective and Responsive Government, which was presented in a conference of Chief Ministers presided by the Prime Minister held in May 1997. The objective of the Code was to prescribe standards of integrity and conduct that are to apply to public services. The salient features of the code are as follows:

- 1) The public services should assist the government in formulating and implementing policies and administering public services in the most effective way.
- 2) Employees in public services should uphold the rule of law and respect for human rights, and act solely in public interest. They must maintain the highest standards of probity and integrity.
- 3) They should conduct themselves in such manner that the public feels that the decisions taken or recommendations made by them are objective and transparent and are not calculated to promote improper gains for the political party in power, for themselves, or for any third party.
- 4) They should not seek to frustrate or undermine the policies, decisions and action taken in public interest by Government by declining or abstaining from action.
- 5) Where an employee in public service has reasonable grounds to believe that he or she is being required by superior authority to act in a manner, which is illegal or against prescribed rules and regulations, he should decline to implement the instructions. He will have the right to bring the fact to the notice of superior authority.
- 6) Conflict of Interest: Employees in public service should refrain from decisions; i) which are calculated to benefit any particular person or party at the expense of the public interest; ii) shall disclose any clash of interest when there is conflict between public interest and private interest.
- 7) They should maintain their independence and dignity and impartiality by not approaching politicians and outsiders in respect of service matters or private benefits, and exercise peer pressure to dissuade those within their own cadre who do so and to set in motion disciplinary proceedings against such persons.
- 8) Accountability to Citizens: i) Employees in public services should be accessible to the people and practice accountability to them in terms of quality of service, timeliness, courtesy, people orientation, and readiness to encourage participation and form partnership with citizen groups for responsive government ii) they should be consistent, equitable and honest in their treatment of the members of the public iii) they should accept obligation to recognize and enforce citizen’s right for speedy redressal of their grievance.
- 9) They should have concern for public assets and funds, avoid wastage and extravagance and ensure effective and efficient use of public money within their control.

- 10) Non- abuse of official position:** Employees in public services have a responsibility to take decisions on merits, as they are in a position of trust, they must not use their official position to influence any person to enter into financial or other arrangements with them or anyone else.

The code also deals with issues such as: public comment, release of official information, integrative role of public services and continuous improvement through professionalism and team work.

4.2.3. Second Initiative for Public Service Values - Public Service Bill 2006

In 2006 the Department of Personnel drafted a Public Service Bill which enumerated fundamental values of Public Services, a Code of Ethics, a Management Code etc. with the object of developing public services as a professional, politically neutral, merit based and accountable civil service. The main values by which the Public Servants shall be guided are as follows:

- Allegiance to the Constitution and the law, democracy, nationalism, sovereignty, integrity of India and the security of the nation;
- Function in apolitical manner;
- Act objectively, impartially, honestly, equitably, and in a fair and just manner;
- Act with integrity and in a courteous and just manner;
- Establish high standards, and ensure quality service, effective working and prompt decision making;
- Be accountable for the decisions;
- Establish merit as the fundamental principle in employment, promotion and placements;
- Discharge functions with due regard to diversity of the nation/community and religion but without discrimination of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections;
- Provide honest, impartial and frank advice to political executive;
- Ensure that public money is used with utmost economy and care;

The Public Service Bill seems to have gone in cold storage. One problem with the draft bill was that it intended to fulfil too many objectives. Apart from values and ethics, the Bill envisaged laying down principles of management of public services, principles which should govern appointment to public services, performance indicators for public services etc. With such wide ranging and diverse coverage of matters relating to service matters, it is difficult to reach consensus and secure legislative approval. As such, the bill lapsed for want of both political will and societal will.

4.2.4. United Kingdom

Standards of Public Life- Lord Nolan Committee

In Britain a committee to lay down standards for holders of public office was appointed under the chairmanship of Lord Nolan (1995) to ensure the highest standards of probity in public life. The committee laid down seven principles:

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 obligation to outside individuals or other material benefits to themselves, their family or friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity: Holders of public office must act and take all decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

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.

Openness: Holders of public office should act and take decisions in an open and transparent manner; they should give reasons for their decisions and restrict information only when wider public interest clearly demands.

Honesty: Holders of public office should be truthful and have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts in a way that protects public interest.

Leadership: Holders of public office should exhibit these principles in their own behaviour and promote and support these principles by leadership and example.

Civil Service Values-UK

The Civil Service Values (2006) states that the Civil servants are expected to carry out their role with dedication and a commitment to civil services values: integrity, honesty, objectivity and impartiality.

- Integrity is putting the obligations of public services above your own personal interests;
- Honesty is being truthful and open;
- Objectivity is basing your advice and decisions on rigorous analysis of the evidence;
- Impartiality is acting solely according to the merits of the case and serving equally well Governments of different political persuasions

4.2.5. OECD (Organisation for Economic Cooperation and Development)

The OECD Council adopted a Recommendation on Improving Ethical Conduct in the Public Services in April 1998. It laid down following principles for managing ethics:

- Ethical standards for public service should be clear. A code of conduct, can accomplish this by creating a shared understanding across government and within the broader community.
- Ethical standards should be reflected in the legal framework. Laws and regulations should state the fundamental values of public service and provide the framework for guidance, investigation, disciplinary action and prosecution.
- Ethical Guidance should be available to public servants. Training facilitates ethics awareness and can develop essential skill for ethical analysis and moral judgement.
- Public servants should know their rights and obligations when exposing wrong doing.
- Political commitment to ethics should reinforce the ethical conduct of public servants.
- The decision making process should be transparent and open to scrutiny.
- There should be clear guidance for interaction between public and private sector.
- Managers should demonstrate and promote ethical conduct.
- Management policies, procedures and practices should promote ethical conduct.
- Public service conditions and management of human conditions should promote ethical conduct.
- Adequate accountability mechanism should be in place within the public services.
- Appropriate procedures and sanctions should exist to deal with misconduct

4.2.6. United Nations

The United Nations concerned about the problem of corruption adopted an International code of Conduct for Public Officials in December 1996. Its salient features are as follows:

A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.

Public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws or administrative policies. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

5. The Problems Due to Declining Ethical Standards Among Public Servants

- **Abuse of personal authority or rank position** for private benefit: Intentionally, public official may use the authority and facilities exercisable by virtue of holding a position (and provided to make that exercise of power more effective), in the guise of public service for personal interest. It appears when: (a) performing administrative actions while ignoring the facts and without a just motive; (b) use of public technical means, cars, communications, premises in a public official's private interests; (c) inactivity causing damages for community.
- **Excess of personal authority or rank position:** Intentionally, officials make actions that are out of their position responsibilities and rights that, finally makes damage to the interests of state or certain citizens.
- **Negligence:** A public official either does not perform his professional responsibilities or performs them in a delinquent manner, causing damage to the state or community. This is mostly because of the lack of interest that one has in one's duties and responsibilities.
- **Bribery:** Bribery and corruption have come to become an acceptable part of the society, as a necessary evil greasing the wheels of the economy.
- **Forgery:** For various reasons, public servants do not collect and use data diligently, jeopardizing the policy making and feedback process. These reasons can be personal gain (such as willfully suppressing the number of manual scavengers in a district to show good performance), lack of leadership (such as falsely entering census data of a terrorism affected area) or simply lack of interest (such as not conducting surveys of school to ascertain quality of mid-day meal schemes).

5.1. Problems in Ensuring High Ethical Standards

1. **Anticipating specific threats to ethical standards and integrity in the public sector:** Systemic threats i.e. those that weaken the institution of civil services are difficult to identify. For example, the slowly eroding value of anonymity or the problem of committed bureaucracy undermine the foundation of civil services which has the mandate to uphold rule of law and ensure decisions are in public welfare, without fear or favour.
2. **Strengthening the ethical competence of civil servants, and strengthening mechanisms to support "professional ethics":** Assessment of ethical competence at the recruitment stage is difficult. Even after introduction of Ethics paper after recommendation of various committees, incidents of unethical behavior by civil servants continue to emerge. The problem lies in the continuous flux that our society finds itself in as well the weak institutional mechanisms to imbibe ethics and enforce them into civil servants. New techniques need to be undertaken to institutionalise ethically competent decision making,

disinterested advice to Government, and, ultimately, an 'ethical culture' which supports professional responsibility, self-discipline, and support for the rule of law;

3. **Developing administrative practices and processes which promote ethical values and integrity:** The system should promote role models and incorporate the process of disseminating best practices and exemplary actions of civil servants to the entire bureaucracy. Also, performance assessment systems have to be renewed in line with growing scope of innovation in civil services.

5.2. Specific Strategies to be Considered

- Effective laws, which require civil servants to give reasons for their official decisions.
- Management approaches, which encourage all public officials and civil servants to deal positively with corruption and unethical practice when encountered.
- 'Whistle-blower' protection law to protect appropriate 'public interest disclosures' of wrongdoing by officials.
- Ethics audits to identify risks to the integrity of the most important processes.
- New Human Resource Management strategies (which link, for example, ethical performance with entry and advancement, and ethical 'under-performance' with disciplinary processes), merit based promotion and recruitment, anti-discrimination protections.
- Training and development in the content and rationale of Ethics Codes, the application of ethical management principles, the proper use of official power, and the requirements of professional responsibility.
- Effective external and internal complaint and redress procedures.

6. Ethical Concerns and Dilemmas in Government and Private Institutions

6.1. Ethical Concerns and Dilemmas: Meaning and Significance

An ethical dilemma, as detailed in the document on case studies, is a situation which involves choosing between alternatives none of which is unambiguously right or wrong. If something is unambiguously right or wrong, there is no dilemma. Right thing must be done and wrong avoided. An ethical dilemma arises from a situation that necessitates a choice between competing sets of principles in a given, usually undesirable or perplexing, situation. Conflicts of interest are possibly the most obvious example that could place public sector leaders in an ethical dilemma. Commonly, it manifests in a situation where personal values or personal interest comes in conflict with professional ethics or professional duties.

6.2. Some types of ethical dilemmas

Public servants find themselves in dilemmas that include conflict between:

- Between different values of public administration – such as efficiency v/s accountability
- aspects of the code of conduct- accepting rewards or gifts for performance of duty
- Personal values v/s those of senior or a governmental directive
- Professional ethics v/s following an unjustified order by a supervisor/authority
- Blurred or competing accountabilities- such as towards department or society

The set of fundamental principles or criteria that integrate the process of dealing with ethical dilemmas in public administration are:

- Democratic accountability of administration,
- The rule of law and the principle of legality,
- Professional integrity; and

- Responsiveness to civil society.

This can be described as the **ALIR (Accountability, Legality, Integrity, Responsiveness)** model of imperatives of ethical reasoning in public administration.

6.3. Ethical Concerns in Government (Public Sector)

Some of the most common ethical issues with which public servants are confronted, revolve around the idea of responsibility. These include aspects such as:

- Administrative discretion
- Corruption
- Nepotism
- Administrative secrecy
- Information leaks
- Public accountability
- Policy dilemmas

6.3.1. Administrative Discretion

Public officials are not merely executors of laws or public policy. In the course of discharging their duties, they make decisions pertaining to the lives of people. The promotion of general welfare depends to a large extent on the use or abuse of administrative discretion.

Within the rules and regulations laid down by legislation and within the prescribed procedures, there is ample opportunity for the public official to use his discretion. The problem arises when the selection of one path of action from among several alternatives is often made on the basis of personal preference, political or other affiliations, or even personal aggrandizement, thereby disregarding known facts and jeopardizing rational decision-making. It could well be that all the prescribed rules, regulations and procedures are adhered to but that the discretionary choice may be viewed as unethical or even corrupt.

6.3.2. Corruption

A majority of officials uphold the high standards required by public office and are devoted to promoting general welfare. The ethical standards of public officials are, however, directly related to society as a whole. If the public accepts that in order to secure an expeditious response from a public official some pecuniary or other incentive is necessary, and the official accepts the incentive, then the standards of ethical conduct of officials and the public are in fact in harmony from the point of view of the public. This shows the high tolerance level of corruption in a society and must be given up if the society expects the Government to be run in public interest rather in the interest of a few.

6.3.3. Administrative Secrecy

An area, which lends itself to the creation of situations and actions, which could prove to be major ethical dilemmas, is the secret conduct of public business. This is especially so because secrecy can provide an opportunity to cover up unethical conduct. Secrecy is an ally of corruption and corruption is always practiced in secrecy.

6.3.4. Nepotism

The practice of nepotism (the appointment of relations and/or friends to public positions, thereby ignoring the merit principle), may lead to the downgrading of the quality of the public service. This disrupts the esprit de corps and trust and results in corrupt administration, owing to the ability of a select few to impair control measures on account of their personal relationship with the policy-maker, and by reason of their not being easily dismissed or replaced by others.

6.3.5. Information Leaks

Official information is usually of sensitive nature and disclosure of such information can lead to chaos, corrupt practices or, for some individuals, improper monetary gains. Leaking official information at a date prior to the public announcement thereof is a violation of procedural prescriptions and can be an ethical dilemma.

6.3.6. Public Accountability

Since public officials are the implementers of public policies, they ought to be accountable for their official actions to their superiors, the courts and the public. It is nevertheless, possible for them to hide behind prescribed procedures, the cloak of professionalism and even political office-bearers.

6.3.7. Policy Dilemmas

Policy makers are often confronted by conflicting responsibilities. They have specific loyalties to their superiors, but also to society. They have freedom to act on behalf and in the interest of others, but they must also be answerable to others - their superiors and society – for their actions.

6.3.8. Other Problem Areas

Apart from the areas of possible conflict referred to above, other problem areas from which ethical dilemmas may arise can be identified as:

- Politicization of bureaucracy: The political activity of public servants resulting in divided loyalty on the part of those officials who sympathize with the views of a specific political party;
- Other subtle ethical problems, such as the abuse of sick leave privileges, extended breaks and the violation of office rules in general.

The whole purpose of teaching ethics, codes of behavior is to create a character, a mindset less susceptible to corrupting influences. Whole effort has been to reduce or contain the incidence of corruption with a clear perception that it would not be possible to eradicate it altogether because of human propensity to abuse power for personal gain.

6.4. Ethical Concerns and Dilemmas in Private/Business Institutions

Code of conduct is a name given to a set of principles and rules that govern the way social institutions should behave toward their stakeholders and the way stakeholders (especially employees) should conduct themselves towards the institution and each other.

A code is just one of the many sets of directives to which organizations and individuals are subject. Companies are subject to legislation that prescribes conduct.

In terms of content, codes are usually statements about ethical conduct such as acting with integrity and respecting the rights of others, but they also can prescribe behaviour that is more procedural in nature such as the way a dispute resolution mechanism will operate when someone is accused of a violation of the code. Sometimes a distinction is drawn between codes of ethics and moral codes. The former are said to relate to organizational life whereas the latter applies more to society, culture and religion. This is not a particularly useful distinction because the line between them is frequently crossed. For example, multinational corporations often need to address cultural norms when prescribing appropriate behaviour in foreign cultures. Finally, the entities that adopt codes vary greatly. Businesses establish codes, but so do organizations in the public sector. Professions such as engineering, accounting, medicine and law have codes.

6.4.1. Ethical issues of private sector in general

- Conflict of interest in appointments- especially in family run companies- to positions such as board of directors.
- Integrity of the audit process- companies have been found to fudge their balance sheets. It is the job of auditors to conduct proper audit and flag any violations, which they have failed to do in many instances.
- Insider trading and manipulation of share prices.
- Cartelisation and manipulation of markets.
- Lobbying with the government for favourable policies.

6.4.2. Ethical Issues of Employers

- **Favouritism:** This means that the employer may favour a particular person with regard to promotions and bonuses and evidently neglect other eligible employees. This conduct is considered highly unethical on the part of the employer.
- Sexual harassment is not legal/ethical/moral whether in the workplace or out of it. Harassing an employee sexually, or refraining from taking action against those who are involved in such offences, is strictly forbidden.
- Terminating an employee without any notice. In some cases, for reasons like budget management, companies opt for mass retrenchment to reduce the number of employees. Such steps should be undertaken after prior indications and notice of at least a month or two, so that the person can find another job. Notice periods must be served to avoid confusion. Unnecessary delay in paying employee's provident fund and gratuity after leaving the organization is a breach of professional ethics.

6.4.3. Ethical Issues of Employees

- Misuse of resources, for e.g. making unnecessary phone calls at the company's cost.
- **Taking home the company's assets.** Some employees pocket tools and stationery such as staplers, pins, papers etc. to use them at home.
- Taking excessive leave beyond the allowed number is a breach of ethical code. It not only leads to losses for the company but also brings the employee a bad name.
- **Improper usage of machineries.** Some employees make use of office computer and printers for personal uses such as taking lengthy print outs, heavy downloading and even unnecessary net surfing etc.
- **Taking advantage of the travel benefit.** These are applicable to employees who have to constantly be on the move such as the marketing personnel. More than ethical codes, common sense can tell you not to use this for personal benefits!
- **Breach of rules and regulations of the company.** Accepting terms and conditions are usually done as a part of joining procedure. Violating any of these rules may lead to undesirable issues between the company and the employee. Failing to maintain the privacy policy of the company is another sort of breaking of rules. Each company has its own privacy policy. An employee is entitled not to give out the company's data and other particulars to another company/competitor.
- **Offensive communications.** Employees are not allowed to use offensive language in the office. But anything that goes on beyond company walls cannot be taken into consideration.
- **Working for multiple organizations.** Companies usually prohibit employees to work in more than one organization, especially in a competing company where confidential information may be used. This also questions the loyalty one has for employer.
- **Conducting Personal Business on Company Time:** Because employees tend to spend so much of their weekday hours on the job, they often are tempted to conduct personal business on company time. This can include setting up doctor's appointments on company

phone lines, making vacation reservations using their employer's computers and Internet connections or even making phone calls for a freelance side business while on company time.

- **Taking Credit for Others' Work:** Employees often work in teams to create marketing campaigns, develop new products or fine-tune services; yet rarely does everyone in a group contribute equally to the final product. If employees single out their co-workers in a negative light, it could foment resentment. The same thing could happen, however, if all employees accept equal praise even though only a select few did the real work. The best way to resolve this ethical dilemma is to not let it happen. Team members should insist that all employees perform specific tasks to help complete a project. It is for a team to take credit for good work, not individual. And it is for the leader to take credit for shortcomings (**Prof. Satish Dhawan (then chairman of ISRO) demonstrated this quality while accepting failure for first Satellite Launch Vehicle mission by a team led by Dr. APJ Abdul Kalam**).
- **Harassing Behaviour:** Employees often don't know what to do if they see one of their co-workers harassing another employee either mentally, sexually or physically. Employees may worry for their jobs if they attempt to report a superior for harassment. They may fret that they'll be labelled a troublemaker if they report co-workers who display inappropriate behaviour toward other employees. The best way to resolve this ethical dilemma rests with the staff members who develop the company's employee handbook. It is their job to include specific language that spells out that an employee won't be punished for reporting the harassing behaviour or inappropriate actions of their co-workers.

7. Some Case studies

Case 1

A freak accident occurs at a chemical factory with a previously exemplary safety record, and a man dies. An investigation into the causes of the accident recommends measures to prevent similar accidents happening in the future. However, these changes would be prohibitively expensive to implement. The CEO faces the choice of closing down the plant with the loss of hundreds of jobs, or allowing the plant to continue with changes in procedure which reduce the risk but do not eliminate it entirely.

The above case is an example of incommensurable outcomes. We are asked to determine the value of eliminating a small but significant risk of injury or death versus the value of continuing to provide employment. A dogmatic response would be to say that no value, however great, could be put on a man's life. However, if that principle were to be put literally into practice, daily life would grind to a halt. Even if only one person a year died in a car accident, all private transport would be banned. So, while we pay lip service to the belief that a human life is beyond measure, in practice, decisions are made which are inconsistent with that belief. In such a scenario, the need is to explore economically viable solutions that aim to minimize any casualty.

Case 2

An investigative reporter gets whiff of a story about corruption in a blue-chip corporation concerning a board member who accepted a free holiday from a company negotiating a multi-million Rupee land deal. The Chairman has already spoken to the board member concerned, who immediately offered his resignation. Luckily, the deal has not been finalised and no harm has been done. On the telephone the reporter asks the Chairman if there is any truth in the rumour. An admission will send share prices tumbling. The chairman can admit the truth, or give an innocuous explanation designed to throw the reporter off the scent – a 'white lie'.

Case 2 is an example of a clash between principles and consequences. As a matter of moral principle, it is always wrong to tell a lie. However, in real life there comes a point where the

price of telling the truth is one that we are not prepared to pay. The classic example is the one of the axe-carrying murderer who asks, 'Which way did he go?' Any response other than the literal truth is a lie. One's moral duty is to tell the truth, irrespective of the consequences. However, few would embrace that extreme conclusion.

Case 3

A human resources manager at a laboratory equipment manufacturer is faced with a difficult decision regarding one of the more senior members of the workforce. Only two years away from retirement, the man works with great care and dedication but his work rate has declined to the point where other workers are beginning to complain. Loyalty to the company dictates that the manager makes the best decision in the company's interests, and let the man go. An alternative, more humane course of action would be to move him to a section where his lack of productivity will be less likely to be noticed.

This case is an example of a dilemma, which arises as a result of a conflict of roles. A manager, just as much as a doctor accepts certain duties and obligations as definitive of one's role. No one is forced to be any of these things. We freely take up our vocation and identify ourselves with what we do. But a human being is more than just a role. The manager is also a responsible citizen, a loyal spouse and caring parent, a decent human being. These roles carry particular obligations, which have the potential to clash. The dogmatic response, 'Loyalty to one's company overrides all other obligations in all circumstances,' is simply unacceptable.

For each person facing such a decision, there is a unique cut-off point but no one can say in advance exactly where this is. We have to make a choice, and so we act. We can offer reasons for our decision, but in the face of the impossibility of making a meaningful comparison between the alternatives any decision is ultimately made 'without reason'.

Case 4

An employer X has been running a consulting business for a long time and needs to hire a person to help her manage it. She does several interviews and finally employs a candidate Y for the job who is asked to start work from the following week. In the meantime, X gets a call from her friend who recommends her Z – an extremely talented and deserving person for the job. Although X refuses, her friend insists. Z comes in with the perfect resume and is liked by the employer. Now, what? Dilemma lies in choosing someone who is best for the business or someone who ethically has the first say.

Solution

The solution to the above issue can be handled by referring to the three basic questions of ethical dilemmas in business.

- Is it legal? Private companies are not bound by any recruitment rules. However, they are bound by rules of natural justice. Definitely they can choose and reject the candidates of their liking. However, rejecting one after recruiting him/her violates the principles of natural justice, which will likely result in court proceedings. Arguments may be made in the courts, but still, it is for the judges to decide whether to give priority to the right of the company to hire and fire or the right of the individual to natural justice.
- How do merits and demerits balance? It is technically right for Y to start working but it might not necessarily be a win-win situation for both company and Y since Z can bring better business for the company compared to Y.
- Is it right? It is right to employ Y as the word has already been given about her joining date and hiring her can make the employer X feel that she's doing the correct thing.

Case 5

A new technology is being launched which is good for the company as well as the clients. But, if this is brought into use, a lesser man-power is required for the organization. The entrepreneur is now in an ethical dilemma whether he wants to better his clients with good services or be loyal to his employees who have helped the company grow. The unpleasantness of the situation arises when neither the clients nor the employees deserve to suffer and it is the entrepreneur's call to take.

Solution: The three questions are again brought into the picture here

- Is it legal? This decision needs to be crosschecked with the company seniors and policies. Both can be legally correct, depending upon the agreement that the firm has with its employees.
- Is it balanced? Organisational goals and individual goals have to be balanced. Organisation seeks profits and customer satisfaction for sustenance, which the new technology is expected to enhance. Individuals seek certainty of employment and a fair remuneration. Earlier these goals were in sync with each other and a win-win situation existed. Now they seem to be in conflict. The decision maker would have to make a choice between rewarding and honoring loyalty and dedication against potential profits through cost-cutting and greater customer satisfaction.
- Is it right? Desperate times call for desperate decisions. There is nothing wrong about growing and automating your firm. Technological backwardness cannot lead you anywhere hence adopting the technology here will not be a wrong choice. However, the employer must take steps to mobilize his human resources and transfer them to other areas to maintain his/her reputation – the company's goodwill might suffer a major setback in the job market owing to the mass retrenchment.
- The possible way out can be reskilling of employees in another domain and minimizing the retrenchment while adopting new technology.

These two examples are typical business ethical dilemmas. Some decisions in business, as in life, are extremely difficult to take but remember – you've got to do what you've got to do – there's no indecisive way out of such dilemmas!

8. Laws, Rules, Regulations and Conscience as Sources of Ethical Guidance

Laws and conscience are the two sources of guidance by which human beings can judge the morality of their actions. These sources are particularly important to public administrators in offering a clear and practical guidance. While law is outside the actor; conscience lies within the actor. These two impose an obligation to be moral—that is, to do good and avoid evil.

8.1. The Notion of Law

Law as used in ethics is different from the notion of law in physics, which implies a common or constant way of action. In ethics, law has a moral connotation. For instance, it has been defined as "an ordinance of reason for the common good, promulgated by him who has care of the community." (St. Thomas Aquinas).

The word *lex* (Latin for "law") comes from the Latin word *ligare*, which means, "to bind." It induces people to act or restrains them from acting. It also imposes an obligation. Further it sets up a course of action that must be followed. Moreover, law must conform to human nature and it must be physically and morally possible to obey the laws. It must not only be just, but also burdens equally. Also, it is for common, not private, good.

However, before anyone can be expected to obey a law, the legislator must promulgate it or make it known to the community. If the legislator does not promulgate or publicize the existence of a law, citizens will be ignorant of its existence and the legislator cannot expect obedience.

St. Thomas Aquinas (a thirteenth century philosopher, Christian saint) provided a famous description of the various kinds of law. He distinguished between eternal law derived from theology, which shows God as the ruler of the universe, with temporal law or laws passed in time. Eternal law is law that is there in eternity, i.e. with or without existence of human beings or for that matter, anyone. It is, just there. Eternal law is the mind of the God. This is manifested in form of a next category, the Divine Law. Divine law is law derived from eternal law as has been 'revealed' to humans through various holy books in form of commandments. But if god created these laws, then god must have designed a way for them to be known to humans. Now everyone cannot/does not read these holy books. Nor does everyone believe in God. Therefore, Thomas says that God had made the human being capable enough to derive the laws based on intuition as well as reasoning from the nature. Thus, there are finally two kinds of human laws- natural and positive.

8.1.1. Natural Laws and Positive Laws

Natural law developed with time or with the coming of human beings. It is based on human nature, and human reason can discover it. What exactly is natural law has been debated amongst philosophers since at least the times of Aristotle. Thomas Aquinas' version of natural law is considered most systematized. Accordingly, though the eternal law of divine reason is unknowable to us in its perfection as it exists in God's mind, it is known to us in part not only by revelation but also by the operations of our reason. The law of nature, which is "nothing else than the participation of the eternal law in the rational creature," thus comprises those precepts that humankind is able to formulate—namely, the preservation of one's own good, the fulfilment of "those inclinations which nature has taught to all animals," and the pursuit of the knowledge of God. Human law must be the particular application of natural law.

For understanding purposes, the simplification of what Aquinas says is that God made us pre-loaded with all the tools to make us know what is good. The things that we are **designed** to seek are called 'basic goods'. Consider the instinct of survival. All living beings have this instinct. We are designed to seek self-preservation. From where does it come? It comes naturally to us. We avoid things that can harm our existence. Similarly, procreation- all beings have a desire to procreate in order to continue their existence. It also comes naturally.

The concept of Natural law was further elaborated by Thomas Hobbes, who described it as 'a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or takes away the means of preserving the same; and to omit that by which he thinks it may best be preserved'. Hobbes further extended the 'basic goods' that we desire, for example, peace, happiness, gratitude, etc. So any act which violates the pursuance of peace or hinders happiness or does not give gratitude will be considered as violative of natural law. It should be clear to the students by now that this natural law is not made by a competent authority like a king or a government. Hence, there is no punishment in the strictest meaning of this term.

Consider further the relation of natural law with positive human law. Sir Edward Coke was a famous English jurist of 17th century who had a great influence on American revolution. The American declaration of independence is also considered as a documentation of natural law (in form of the rights of man). For the American revolutionary leaders, 'law' meant Sir Edward Coke's custom and right reason. Coke defined law as "perfect reason, which commands those things that are proper and necessary and which prohibits contrary things". For Coke, human

nature determined the purpose of law; and law was superior to any one person's reason or will. For Coke, natural law is "that which God at the time of creation of the nature of man infused into his heart, for his preservation and direction."

There are two kinds of positive laws—divine and human. If the author of the positive laws is God, they are divine positive laws. If the immediate source of a positive law is human, it is a human positive law. Here we are using the term human and positive interchangeably. For anything to carry a 'force of law', it must be duly enacted, accepted and enforced. Positive law also developed with time. It consists of laws that depend on the free will of the legislators and are promulgated by some external sign.

Aquinas taught that all human or positive laws were to be judged by their conformity to the natural law. An unjust law is not a law, in the full sense of the word. It retains merely the 'appearance' of law insofar as it is duly constituted and enforced in the same way a just law is, but is itself a 'perversion of law. Natural law is not only used to pass judgment on the moral worth of various laws, but also to determine what those laws mean in the first place.

Is-ought problem with natural law:

Natural law theory gives us the basic goods. One does not need the holy books to know these basic goods. Our instinct shows us the basic goods and reason allows us to derive natural laws from them. Right acts are simply those that are in accordance with the natural law. Now, consider survival instinct. I want to survive and so does someone else. Hence, through reason, I can derive a natural law that killing must not be allowed, as killing will compromise the basic good of survival. However, killing is a natural order in all living beings- the food chain. Therefore, there develops inconsistency based on how one interprets natural law.

Further, consider that killing is prohibited by natural law. Also, procreation is basic good that all beings possess. What about abortion then? If natural law is the basis of human rights, then abortion does not become a human right, because it violates the natural law of prohibition to kill. As such, Christianity and Islam both are prohibitive of any kind of contraceptive measures. Similarly, what about those who are sexually incapable to procreate? Or those who are same-sex couples? Natural laws theory thus fails in such cases. In general, there is a problem with their interpretation as well as ways of their execution. Hence, in practical sense, natural laws are used as a moral guide to adjudge the moral character of positive human laws.

8.1.2. Laws in modern context as a source of ethical guidance

Laws in modern context are synonymous with positive human laws. Laws are those basic ethical standards that the society expects everyone to comply to. There are sanctions against their violation, which are generally in the form of duly enforceable punishments. Laws command both action and inaction, i.e. some laws lay down what should not be done, for e.g. murder, whereas others lay down what should be done, for e.g. registration of motor vehicles. Although law is an ordinance or a rule resulting from human reason, it is not the same as a regulation or ordinary rule. Regulations and rules often help clarify the intent of laws in more specific terms.

The purpose of a law is to promote the common good and societal welfare as well as protect individual rights. On the basis of source, the authority to enact a law belongs to those with jurisdiction or those who are lawfully in charge of the community. On the basis of territorial extent, a law does not ordinarily bind outside the territory of the legislator. Indian laws do not bind in Europe; however, some laws may have extra-territorial jurisdiction (for example cyber security laws, taxation laws to punish offenders that flee the territory). An interesting example from a US Presidential primary will help make the distinction clearer. In the presidential primary of 1992, candidate Bill Clinton was asked if he ever used drugs. He said that he never broke any laws of the United States by using drugs. Later, when asked if he broke any laws anywhere by

using drugs, he admitted to having used marijuana once as a student at Oxford University in England. He was thereby claiming that the laws of the United States do not bind a U.S. citizen in England.

In spite of this distinction, consider an interesting development that occurred in Ireland during the spring of 1992. A fourteen-year-old Irish girl became pregnant as a result of an alleged rape. She and her parents went to England to procure an abortion, which the Irish Constitution prohibited (it was repealed in a referendum in May, 2018) in Ireland. The Irish attorney general brought the matter before the High Court in Dublin. The Court decided that the Irish Constitution barred the fourteen-year-old from having an abortion elsewhere in England. The Supreme Court of Ireland reviewed this decision on appeal; however, it did not rule that the young woman had the constitutional right to travel to England to have an abortion. Rather, it ruled that she could obtain an abortion on the grounds that she was threatening suicide. Her right to life took precedence over the right to life of the fetus.

Unlike laws, individuals, organizations or groups can make rules. It must be clarified again that rules are made under laws. Rules need not be for the common good; they can be for the private good and they usually bind persons wherever they go. But rules, too, must not violate natural law. Rules or regulations should declare or clarify civil laws, just as civil laws declare or clarify natural law. Rules and regulations can be extra guidance to public administrators as to what is right and wrong. The presumption is that rule makers have not violated natural law or civil laws, but sometimes they circumvent what the civil law clearly states. While a superior can punish a subordinate for violating the rules, if the rule is contrary to civil or natural law, the violator may have acted ethically. As with laws, a person has no obligation to obey an immoral rule.

However, there are so many laws, rules and regulations that govern human behavior that it is virtually impossible for any human being to know all of them. Perhaps that is where the teleology is correct in saying that we do not need standards to govern human behavior; the human intellect alone is capable of knowing and judging what is right and what is wrong (Teleology is an ethical doctrine that says that there is purpose of reason for anything, i.e. certain phenomenon are best explained in terms of their purpose rather than cause). Information, reflection, judgment, decision and action are the criteria for determining morality. This approach makes sense and is a valid response to the fact that knowledge of all laws and rules is virtually impossible.

While deontologists are content with focusing on laws and rules as the principal guidance for public administrators on morality, even they recognize that laws and regulations are insufficient. Without conscience to apply those laws and rules to particular actions, public administrators are missing a critical element. So, now we examine conscience as a mechanism for deciding what is right and what is wrong.

8.2. Conscience as a source of ethical guidance

(This particular section has been taken from the book 'Ethics in Public Administration' by Patrick J. Sheeran. The topic of Conscience has also been dealt with in other documents- Ethics and Human Interface as well as Probity in Governance in more simpler terms. The following section gives a more detailed and academic view of Conscience)

While law focuses on principles of morality outside human beings, conscience is something within human beings that determines the morality of human actions. Conscience is a special act of the mind that comes into being when the intellect passes judgment on the goodness or badness of a particular act. It is a practical judgment on particular, concrete, human actions.

From a deontological perspective, conscience is a judgment—an act of the intellect. It is not a feeling or an emotion, but, rather, an intellectual decision. It is also a decision with a view to a

particular action. Conscience can make a practical judgment on the morality of either a past action or an action about to occur.

Conscience is different from law. Law states a general rule concerning actions; conscience lays down a practical rule for specific action. Conscience applies the law or rule to specific actions, therefore it is wider than law. Some have said that conscience is to law as a brush is to paint.

From a teleological viewpoint, conscience is quite similar to completion of the ego identity, whereby "every ego is in some sense a code of ethics. If ego and conscience are similar or identical, people have the capacity of determining the meaning of a particular action, past or present, and at the same time assess the morality of that action. Both approaches involve reflection, assessing both meaning and morality. The deontologist uses conscience to apply the law to a particular action. The teleologist may not admit application of a particular law to give meaning or morality to an action; this process involves application of "a set of value commitments" developed by all human beings from childhood. In practice, both schools use the same process but with different tools. The moral decisions may be different, but since both approaches involve the same human reason, moral judgments frequently will be the same.

8.2.1. Types of Conscience

Human beings can have different kinds of conscience. The first is a true conscience, which means that judgment is in accordance with fact. The judgment is a correct or accurate application of law to the action. A conscience is erroneous when the judgment is false—the practical judgment incorrectly applies law to the action. The erroneous judgment can be vincibly or invincibly false. (Vincibly false means that it can be corrected i.e. it is not invincible)

Conscience may be certain, doubtful or probable. A conscience is certain when the judgment on the morality of an action is without prudent fear of error. Prudent fear of error does not involve metaphysical certainty, but generally any normal person has no doubts about the judgment. That certainty can apply to both a correct and an erroneous conscience. A conscience is doubtful when the judgment does not exclude all prudent fear of error. The person is aware of some doubts about the practical judgment to be made. A conscience can be both doubtful and erroneous at the same time. A conscience is probable when the judgment "almost" excludes all prudent fear of error. A normal person is almost certain the judgment is correct, even though it may be erroneous.

8.2.2. Ethical Principles Governing Conscience

The discussion of conscience leads to the following principles governing conscience:

1. A person must take reasonable care to ensure a correct conscience.
2. A person is bound to follow a certain conscience even if that conscience is false. For example, if I am certain that it is morally right to lie to save another's life, I am bound to lie.
3. It is never ethically correct to act on a doubtful conscience. Vincible ignorance does not excuse—the person must make some effort to resolve the doubt. If efforts to resolve the doubt fail, the principle *lex dubia non obligat* ("a doubtful law does not bind") comes into play.

When is a law doubtful? There are four principles that apply and the actor is at liberty to follow the principle that appeals most.

1. A law is doubtful and does not bind when there is more probable evidence on the side of liberty than against it. This is probabilism. For example, a person in doubt about what day it is observes four calendars. Three indicate it is one day and the fourth indicates that it is a different day. The person may follow the date indicated by or deduced from the three calendars if that ensures more liberty.

2. A second version of probabilism states that the person may follow an option in favor of liberty, provided the evidence in favor of liberty is solidly probable, even though the evidence against liberty is more probable. In the same example, the person may follow the time indicated by the fourth calendar even though the other three numerically appear to offer more probable evidence.
3. Another version of probabilism, equiprobabilism states that the person may follow an opinion in favor of liberty if the evidence on both sides is equally balanced. In the above example, if two calendars show that it is one day and the other two indicate that it is a different day, the person may follow either option.
4. Compensationalism says that the person should consider the evidence not only favoring and opposing liberty but also the gravity of the law, the reason for acting against the law, the inconvenience arising from following the strict interpretation of the law and the justness of the cause for selecting the option offering most liberty.

Some laws may be doubtful, i.e. not clearly formulated with scope of misinterpretation, and provide options for people. These serve as additional guidelines to the principles of conscience. But one final question on conscience remains: Is there an additional obligation for people according to their state in life or educational status to have correct consciences? Framed in public administration terminology, the question is: Are public administrators bound to educate their consciences according to the responsibilities they have? In other contexts, management involves getting things done with the help of other people. That assumes that management means getting things done right. Here, the argument is that getting things done right is only one side of the coin. Management also involves getting the right thing done. What is the right thing? What is the ethical thing to do?

If public managers must not only do things right but also do what is right, they have an obligation to educate their consciences according to their state in life. This includes not only management theory and practice but also ethical theory and practice. If managers do not do both, they run the risk of not only being outdated but also of neglecting true managerial responsibility. If managers are educators and teachers, surely they must learn both aspects of the job if they are to fulfill their role of teaching and coaching others.

In educating and updating the conscience, there are two extremes to be avoided. One is not caring about conscience at all—making no effort to learn what is right or what is wrong, or perhaps showing no interest in right and wrong. Some public managers exhibit this characteristic. The other extreme is the person unable to distinguish serious actions from those that are not, whether getting things done right or doing the right thing. There are some public managers who fit this description. Neither extreme is in accord with the concept of conscience, which involves a practical judgment on the morality of human action.

8.3. Conclusion

Besides reliance on the nature of an action, its consequences and purpose, laws, rules and conscience provide guidance in determining what is right and what is wrong. However, in spite of the help that laws, rules and conscience may be to a public administrator, they do not guarantee infallible judgment. While laws and rules would seem to be a deontologically sound frame of reference in making ethical decisions, there are many flaws. The teleological approach acknowledges that there are too many civil laws, rules, regulations, court decisions and opinions governing almost everything, including ethical decisions. It is virtually impossible for a public administrator to know all the laws or rules.

In considering what is right and wrong, public administrators have at their disposal information on the nature of the action performed or about to be performed, the circumstances surrounding the action and the purpose of the action. In addition, laws, rules and regulations

provide additional guidance. Everyone has a conscience that can apply those laws, rules and other criteria of morality to specific actions. Except for what religion and theology have to offer, and they have much, that is all public administrators have to make discretionary administrative decisions. Ethics may indeed shortchange them. But if it does, it shortchanges people in all walks of life. The foregoing is the best that human reason can offer as a theoretical framework for assessing morality.

9. Accountability and Ethical Governance

9.1. Accountability: Meaning, Nature, Scope and Significance

Accountability is one of the cornerstones of good governance. It ensures actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction.

The concept of accountability involves two distinct stages: answerability and enforcement.

Answerability refers to the obligation of the government, its agencies and public officials to provide information about their decisions and actions and to justify them to the public and those institutions of accountability tasked with providing oversight.

Enforcement suggests that the public or the institution responsible for accountability can sanction the offending party or remedy the contravening behavior.

9.2. Types of Accountability

The concept of accountability can be classified according to the type of accountability exercised and/ or the person, group or institution the public official answers to

9.2.1. Horizontal vs. Vertical Accountability

Horizontal accountability is the capacity of state institutions to check abuses by other public agencies and branches of government, or the requirement for agencies to report sideways. Alternatively, vertical accountability is the means through which citizens, mass media and civil society seek to enforce standards of good performance on officials. While parliament is typically considered as a key institution in constructs of horizontal accountability, it is also important in vertical accountability.

9.2.2. Political versus Legal Accountability

Parliament and the judiciary act as horizontal constitutional checks on the power of the executive. The role of these two institutions can be further delineated in that parliament holds the executive politically accountable, whilst the judiciary holds the executive legally accountable. These classifications stem from the fact parliament is a political institution, while the judiciary can only adjudicate on legal issues. However, rule of law doctrine enables the judiciary to even adjudicate on the legality of the policy issues as well as matters of its implementation and rights of citizens and states in a federal setup.

Together, they provide on-going oversight in order to keep the government accountable throughout its term in office.

9.2.3. Social Accountability

The prevailing view of social accountability is that it is an approach towards building accountability that relies on civic engagement, namely a situation whereby ordinary citizens and/or civil society organizations participate directly or indirectly in exacting accountability. Such accountability is also referred as society driven horizontal accountability.

9.2.4. Methods of ensuring accountability

The main methods of enforcing accountability are:

- Legislative control
- Ministerial/Government Control
- Audit Control

These methods ensure flexibility, initiative, efficiency, performance and adequate control and accountability over the governance of the country.

Steps that should be taken to ensure accountability following ethical principles

- Enactment of laws that clearly define responsibility and accountability of those exercising authority. Karnataka Transparency Act of 1999 was one of the first laws that ensured it.
- The regulatory body should be an independent body and appointments should be made in consultation with the presiding officer of the legislature(s) and leader(s) of opposition. There should also be an adjudicatory body as an appellate and supervisory body for this regulatory body. The decisions of the appellate body should be made challengeable only in Supreme Court of India.
- All members of statutory professional bodies should be brought under the definition of public servant for the purpose of PCA, IPC and Lokayukta Act. Similarly, all cooperative societies and societies under Societies Registration Act as notified by the government for this purpose should also be included.

10. Need for an Effective Ethics Structure

Public Services constitute an essential part of democratic framework for implementing government's policy. It is necessary that they are honest, efficient and citizen friendly. The non-elected public servants exercise significant discretionary power in their everyday work: in their stewardship of public resources, at the interface with citizens, and in the context of policy making. Ethical standards are a key check and balance against arbitrary use of that public power. As such they are a key factor in the quality of governance. Without some "ethics barometer" it is difficult, if not impossible, to measure changes in levels of corruption or misconduct in the public service. The following suggestions are made:

1. There is need to lay down a statutory Code of Ethics for Civil Services. It should be written in simple language, easily understandable and lay down fundamental values which should govern the conduct of public servants. The British Civil Services Code can act as a model.
2. Violation and breaches of Code of Ethics should invite sanction and punishment under the disciplinary rules.
3. The ethical framework should provide for prevention and guidance, investigation, disciplinary action and prosecution.
4. Ethical Guidance should include training in ethics awareness and development of essential skill for ethical analysis and moral judgement.
5. There is need to create an independent office of Ethics Commissioner, similar to that in United States, who should provide leadership in ethics and values. The Ethics Commissioner should issue and interpret rules which govern standards of conduct and conflict of interest.

A Code of Ethics will help giving a public servant a vision, a purpose and an ideal to strive for while carrying on his public duties. This helps manifesting his full potential and lead a fulfilling, satisfying and happy life which is the goal of every human endeavour.

10.1. Enhancing the Moral Standard in Public Administration

After identifying some of the common ethical dilemmas faced by public officials in the exercise of discretion, the following principles can be used to enhance the moral standards in Public administration: (1) the exercise of discretion should serve the public interest, (2) public officials should push back bounds on rationality so that deliberation may take place, (3) public officials should provide truthfulness in the discharge of official responsibilities, (4) public officials should demonstrate procedural respect, and (5) public officials should exercise restraints on the means chosen to accomplish organizational ends.

- All Codes should incorporate the basic elements of ethics, which include (Nolan's principles): Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- There should be separate Code of Conduct for Ministers, members of legislature and other elected representatives.
- The Code of Conduct for civil servants should be amplified. It should prohibit them from associating with NGOs and hold elected office even in any club or social organization.
- Creating and empowering institutions such as Lokpal/Lokayukta to accept and investigate complaints against Ministers, MPs and MLAs and even to permit their prosecution.
- In respect of appointments, empanelment, promotions, transfers and disciplinary action in respect of civil servants of the rank of Joint Secretary and above, an independent Civil Service Commission should be created. This Commission should be appointed by a Committee consisting of Prime Minister/CM, Leader of Opposition, Chief Justice and should be headed by a judge of Supreme Court/High Court.
- In respect of professional bodies, even though Codes of Conduct exist, they are not implemented which should change.

10.2. Second ARC (Report 4) on Ethics

- The Second Administrative Reforms Commission in its 4th report (2007), covered the issue of ethics and observes, "The crux of ethical behaviour does not lie in bold words and expressions enshrined as standards, but in their adoption in action, in sanction against violations, in putting in place competent disciplinary bodies to investigate allegations of violations and to impose sanctions quickly and in promoting a culture of integrity".
- In Its wide-ranging recommendations, it has suggested partial state funding of elections; tightening of anti-defection law and code of ethics for ministers, legislatures, judiciary and civil servants.
- In order to check corruption, it has proposed tightening the provision of Prevention of Corruption Act, making corrupt public servants liable for paying damages, confiscation of property illegally acquired and speedy trials (Refer the document on Probity in Governance for insight into amendments made in PCA in 2018)
- Its recommendations include creation of Lok Pal/ Ombudsman at national, State and local level with powers to look into charges of complaints against high public functionaries including ministers, chief ministers, MPs and MLAs which has been mostly enacted into a law.
- While recommending a Code of Ethics for Civil Servants the Second ARC has observed: "Civil Service Values which all public servants should aspire, should be defined and made applicable to all tiers of government and parastatal organizations.
 - Any transgression of these values should be treated as misconduct, inviting punishment"
 - In order to create a regime under which quick disciplinary action can be taken against delinquent Government servants, the ARC has recommended deletion of Article 311 of

the Constitution, with a proviso that legislation under article 309 be made to protect public servants against arbitrary action.

- The Commission has also suggested certain measures to protect honest Civil Servants against malicious complaints.
- The ARC in its 10th Report on Personnel Administration has re-emphasized the need for prescribing Civil Service Values and laying down a Code of Ethics.
- The Code of Ethics should include: integrity, impartiality, commitment to public service, open accountability, devotion to duty and exemplary behaviour.

11. Case Studies of successful administrators

Case Study 1

E Sreedharan, famously called the 'Metro man', has been a successful administrator for numerous reasons.

- **Visionary:** His goals were not limited to meeting deadlines rather he focused on reaching optimal solutions. He reduced the deadline of Metro project by 3 years understanding the urgency of the project.
- **Decision Maker:** When he was the head of the Konkan Railway project in the 1990s, there were years of flux as Goa saw chief ministers change four times between 1993 and 1994. But this did not make him succumb to political pressures and the project met its deadline.
- **Punctuality:** Punctuality is DMRC's hallmark. This is why, if an employee is five minutes late to work, it is clocked in as a half-day. Decisions at DMRC are taken quickly, with tenders as big as Rs 2,000 crore are cleared in 15-20 days without missing out on any government procedure or audit guidelines.
- **Integrity:** DMRC is one of the few mega infrastructure projects of the country considered free from corruption taints. All new DMRC staff also take an oath of integrity when they come on board.

Case Study 2

Verghese Kurien helped India become the largest producer of milk from a point where children were under-nourished because of lack of milk. He pioneered the milk cooperative movement in India which empowered the farmers and initiated constructive social change in rural areas.

- He volunteered to help Shri Tribhuvandas Patel, to set up a processing plant. This marked the birth of **AMUL**. AMUL, under Kurien's leadership then joined hands with other milk cooperatives and expanded exponentially.
- The Amul bandwagon was successfully moving along when in 1964, **Lal Bahadur Shastri**, India's then prime minister, visited Anand to inaugurate a new cattle-feed plant. He asked Kurien the secret of their success. Kurien explained that it was because Amul is owned by the farmers and run by elected farmer-representatives.'
- Shastri returned to Delhi and set up the National Dairy Development Board (NDDB) in Anand to replicate the success of Gujarat around the country. Kurien was appointed as the chairman and he set about repeating the '**Anand pattern**'.
- Further in response to the need of rural producers' organizations for professional managers Kurien initiated the establishment of Institute of Rural Management at Anand to give professional support to the farmers and help them achieve their full development potential.

12. Previous Years Vision IAS GS Mains Questions

1. *While individual beliefs and values determine one's subjective responsibility, it is the operational environment which guides/shapes the objective responsibility. Congruence between the two is inevitable for realizing the goal of objectivity in administrative decisions. Analyse.*

Approach:

Since the overall theme of the question is regarding Objectivity in decision-making, firstly bring out why objectivity is required in administrative decision. Then, elaborate on its constituents and argue how a complementarity will lead to objective decision-making. Finally suggest some measures for ensuring the same.

Answer:

Objectivity in decision-making relates to actions being taken with due regard to the known valid evidence (relevant facts, accurate assessment, logical implications and viewpoints). Administrators have a special obligation to be objective in their decision making process because

- Firstly, they are responsible for managing the resources entrusted to them by the community
- Secondly, they provide and deliver services to the community and the community pays for the services, that the civil servants use
- Thirdly, they take important decisions, that affects all aspects of the community life

Objective responsibility has to do with expectations imposed from outside ourselves, whereas subjective responsibility concerns those things for which we feel a responsibility for.

Objective responsibility involves two dimensions: imposed obligations and accountability. Civil servants by virtue of their position have to accept obligations imposed from outside by the constitution, legislature, superiors, subordinates and the citizenry. Obligation is more fundamental than accountability, since the later is means for ensuring the fulfilment of the former in a hierarchical structure.

While Objective responsibility arises from legal, organizational, and societal demands on our role as public administrator, subjective responsibility is rooted in our own beliefs about loyalty, conscience, and identification. Subjective responsibility in carrying out our administrative role reflects the kind of professional ethic developed through personal experience, i.e. *"We believe in being legal, and so we are compelled by our conscience to act in a particular way, not because we are required to do so by a supervisor or the law but because of an inner drive composed of beliefs, values, and character understood as predispositions to act in certain ways"*.

For attaining objectivity in decision-making, subjective responsibility should be in congruence with the objective one. Values and beliefs tend to create predispositions towards certain kinds of behaviour i.e. what we believe and how we feel about that belief affects our character, which in turn shapes our conduct, which further helps in guiding our actions. For our actions to be objective, they should be in congruence with the obligations imposed from outside or a mismatch will lead to inefficiency, corruption, despotism and nepotism.

Therefore it is required that managerial practices, training should be based on ethical public service values. Socialization of the above values will lead to consistent and

powerful internal controls, which will allow administrators to exercise discretion in a pattern that is relatively predictable and therefore engenders trust among associates. The ethical process is the means by which these internal sources of responsibility are related to external demands.

2. ***"The basic problem with administrative ethics is: how can officials be granted scope for dissent without undermining the capacity of the organization to accomplish its goals". Evaluate this statement and suggest measures in the context of Indian administration.***

Answer:

Administrative ethics involves the application of moral principles to the conduct of officials in organizations. Broadly speaking, moral principles specify (a) the rights and duties that individuals should respect when they act in ways that seriously affect the well-being of other individuals and society; and (b) the conditions that collective practices and policies should satisfy when they similarly affect the well-being of individuals and society. Moral principles require a disinterested perspective. Instead of asking how an action or policy serves the interest of some particular individual or group, morality asks whether the action or policy serves everyone's interest, or whether it could be accepted by anyone who did not know his or her particular circumstances, such as race, social class, or nationality. Moral judgments presuppose the possibility of a person to make the judgment and a person or group of persons to be judged.

Administrative ethics assumes that individuals in organizations can make moral judgments and can be the objects of moral judgments. Two common views of administration - that administrators should either follow the policies of an organization or resign from office, and that administrators should not be held morally responsible for the wrongs of their organizations - deny these assumptions and would make administrative ethics impossible. By understanding how these views themselves are mistaken, we can see how administrative ethics is possible and what forms it should take.

The challenge is that by its very nature administration precludes the exercise of moral judgment. It consists of two basic objections - the first calls into question the subject of the judgment (who may judge); the second, the object of judgment (who is judged). The first asserts that administrators ought to act neutrally in the sense that they should follow not their own moral principles but the decisions and policies of the organization. This is the **ethic of neutrality**. The second asserts that not administrators but the organization (and its formal officers) should be held responsible for its decisions and policies. This is the **ethic of structure**. Each is called an ethic because it expresses certain norms and prescribes conduct. But neither constitutes an ethic or a morality because each denies one of the presuppositions of moral judgment - either a person to judge or a person to be judged.

The Ethic of Neutrality

The conventional theory and practice of administrative ethics holds that administrators should carry out the orders of their superiors and the policies of the agency and the government they serve. On this view, administrators are ethically neutral in the sense that they do not exercise independent moral judgment. They are not expected to act on any moral principles of their own, but are to give effect to whatever principles are reflected in the orders and policies they are charged with implementing.

A variation of the ethic of neutrality gives some scope for individual moral judgment until the decision or policy is "final." On this view, administrators may put forward their own views, argue with their superiors, and contest proposals in the process of formulating policy. But once the decision or policy is final, all administrators fall into line, and faithfully carry out the policy. Furthermore, the disagreement must take place within the agency and according to the agency's rules of procedure.

Three sets of criticisms may be brought against the ethic of neutrality.

First, because the ethic underestimates the discretion that administrators exercise, it impedes the accountability of administrators by citizens. The discretion of administrators goes beyond carrying out the intentions of legislators or the superiors in the organization. By reinforcing the illusion that administrators do not exercise independent moral judgment, it insulates them from external accountability for the consequences of many of their decisions.

A second set of objections centers on the claim that office-holding implies consent to the duties of office as defined by the organization. While it may be easier to resign from office than from citizenship, it is for many officials so difficult that failure to do so cannot be taken to indicate approval of everything the organization undertakes. For the vast majority of governmental employees, vested rights (such as pensions and seniority) and job skills (often not transferable to the private sector) supply powerful incentives to hold on to their positions. Even if on their own many would be prepared to sacrifice their careers for the sake of principle, they cannot ignore their responsibilities to their families.

Proponents of the ethic of neutrality may still insist that officials who cannot fulfil the duties of their office must resign however difficult it may be to do so. But as citizens we should hesitate before endorsing this as a general principle of administrative ethics. If this view were consistently put into practice, public offices would soon be populated only by those who never had any reason to disagree with anything the government decided to do. Men and women of strong moral conviction would resign rather than continue in office, and we would lose the services of the persons who could contribute most to public life.

Because we do not want to drive persons of principle from office, we should recognize that there may be good moral reasons for staying in office even while disagreeing with the policies of the government. This recognition points to a third set of objections to the ethic of neutrality—that it simplifies the moral circumstances of public office. It tends to portray officials as assessing the fit between their moral principles and the policies of the organization, obeying if the principles and policies match, resigning if they diverge too much. First of all, as an official you have obligations to colleagues, an agency, and the government as a whole. By accepting office and undertaking collective tasks in an organization, you give others reason to rely on your continued cooperation. Your colleagues begin projects, take risks, make commitments in the expectation that you will continue to play your part in the organization. If you resign, you disappoint these expectations, and in effect break your commitments to your colleagues. A resignation may disrupt many organizational activities, some of which may be morally more important than the policy that occasions the resignation. Officials also have more general obligations to the public. Officials should not decide simply whether they can in good conscience continue to associate themselves with the organization. This could be interpreted as merely wanting to keep one's own hands clean—a form of what some have called "moral self-indulgence."

A third way in which the ethic of neutrality distorts the duties of public administrators is by limiting their courses of action to two-obedience or resignation. Many forms of dissent may be compatible with remaining in office, ranging from quiet protest to illegal obstruction. Some of these, of course, may be morally wrong except under extreme circumstances, but the ethic of neutrality provides no guidance at all here because it rules out, in advance, the possibility of morally acceptable internal opposition to decisions of the organization, at least "final decisions."

[From here on, specific points of dissent are given]

The problem, however, is how we can grant officials scope for dissent without undermining the capacity of the organization to accomplish its goals. If the organization is pursuing goals set by a democratic public, individual dissent in the organization may subvert the democratic process. We should insist, first of all, that would-be dissenters consider carefully the basis of their disagreement with the policy in question. Is the disagreement moral or merely political? This is a slippery distinction since almost all important political decisions have moral dimensions. But perhaps we could say that the more directly a policy seems to violate an important moral principle (such as, not harming innocent persons), the more justifiable dissent becomes. Dissenters must also consider whether the policy they oppose is a one-time incident or part of a continuing pattern and whether the wrongness of the policy is outweighed by the value of the other policies the organization is pursuing. Furthermore, dissenters must examine the extent of their own involvement and own role: how (formally and informally) responsible are they for the policy? What difference would their opposition make to the policy and to the other policies of the organization? To what extent does the policy violate the ethics of groups to which they are obligated (such as the canons of the legal or medical professions)?

These considerations not only determine whether an official is justified in opposing the organization's policy, but they also help to indicate what methods of dissent the official may be justified in using to express opposition. The more justified an official's opposition, the more justified the official is in using more extreme methods. The methods of dissent may be arrayed on a continuum from the most extreme to the most moderate. Four types of dissent will illustrate the range of this continuum and raise some further issues that any would-be dissenter must consider.

First, there are those forms of dissent in which an official protest within the organization but still helps implement the policy, or (a slightly stronger measure) asks for a different assignment in the organization. It would permit officials to abstain from active participation in a policy they oppose and to continue their protest as long as they do so in accordance with the accepted procedures of the organization.

In a second form of dissent, officials, with the knowledge of, but against the wishes of their superiors, carry their protest outside the organization while otherwise performing their jobs satisfactorily. This kind of dissent usually depends, for its efficacy as well as its legitimacy, on the existence of some widely accepted standards to which the dissenters can appeal outside the organization. Professional ethics or even the law may not be sufficient, since people disagree on how to interpret both, but appealing to such standards may at least reassure the public that the dissenters are not using their office to impose the dictates of their private consciences on public policy. When dissenters oppose democratically elected officials, they must find ways to show that they are defending principles that all citizens would endorse.

The third form of dissent is the open obstruction of policy. Officials may, for example, withhold knowledge or expertise that the organization needs to pursue the policy, refuse to step aside so that others can pursue it, or give information and other kinds of assistance to outsiders who are trying to overturn the policy. A few officials may adopt this strategy for a short time, but organizations can usually isolate the dissenters, find other officials to do the job, and mobilize its own external support to counter any opposition that arises outside the organization. In any such event, the dissenters are not likely to retain much influence within the organization. Effective and sustained opposition has to be more circumspect.

We are therefore led to a fourth kind of dissent: covert obstruction. Unauthorized disclosure - the leak - is the most prominent example. Leaks vary greatly in purpose and effect. Some simply provide information to other agencies that are entitled to receive it; others embarrass particular officials within an agency but do not otherwise subvert the agency's policies; and others release information to the press or public ultimately reversing a major government policy.

[Few more points in discussion of fourth kind of dissent]

An analogy is sometimes drawn between official disobedience and civil disobedience. Many democratic theorists hold that citizens in a democracy are justified in breaking the law with the aim of changing a law or policy, but only in certain ways and under certain conditions. Citizens must (1) act publicly; (2) commit no violence; (3) appeal to principles shared by other citizens; (4) direct their challenge against a substantial injustice; (5) exhaust all normal channels of protest before breaking a law; and (6) plan their disobedience so that it does not, in conjunction with that of other citizens, disrupt the stability of the democratic process.

Even if one thinks that civil disobedience is justifiable, one may not agree that official disobedience is warranted. Officials cannot claim the same rights as citizens can, and, it may be said, the analogy does not in general hold. But the analogy may not hold for the opposite reason. In extreme cases of governmental wrongdoing, so much is at stake that we should give officials greater scope for disobedience than we allow citizens. In these cases we might be prepared to argue that the standard conditions for civil disobedience are too restrictive for officials. If we insist for example that disobedience always be carried out in public, we may in effect suppress much valuable criticism of government. Fearful of the consequences of public action, dissenting officials may decide against providing information that their superiors have declared secret but that citizens ought to know. The point of relaxing the requirement of publicity would be not to protect the rights of dissenters for their own sake but to promote public discussion of questionable actions of government. We may wish to retain some form of the requirement of publicity, perhaps by establishing an authority to whom a dissenter must make his or her identity known. But this requirement, as well as the others, should be formulated with the goal of maximizing the responsibility of governmental officials, not with the aim of matching exactly the traditional criteria of civil disobedience.

The important task, with respect to disobedience as well as the other forms of dissent, is to develop the criteria that could help determine when each is justifiable in various circumstances. The ethic of neutrality makes that task unnecessary by denying that ethics is possible in administration. But, as we have seen, that administrative neutrality itself is neither possible nor desirable.

3. ***The more direct challenge to administrative ethics comes from those who admit that morality is perfectly possible in private life but deny that it is possible in organizational life." Evaluate.***

Answer:

A major obstacle to administrative ethics is the view that the object of moral judgment must be the organization or the government as a whole. This ethic of structure asserts that, even if administrators may have some scope for independent moral judgment, they cannot be held morally responsible for most of the decisions and policies of government. Their personal moral responsibility extends only to the specific duties of their own office for which they are legally liable.

Moral judgment presupposes moral agency. To praise or blame someone for an outcome, we must assume that the person is morally responsible for the action. We must assume (1) that the person's actions or omissions were a cause of the outcome; and (2) that the person did not act in excusable ignorance or under compulsion. In everyday life, we sometimes withhold moral criticism because we think a person does not satisfy one or both of these criteria. In public life, especially organizations, the problem of identifying the moral agents, of finding the persons who are morally responsible for a decision or policy, becomes at least as difficult as the problem of assessing the morality of the decision or policy. Even if we have perfect information about all the agents in the organizational process that produced an outcome, we may still be puzzled about how to ascribe responsibility for it. Because many people contribute in many different ways to the decisions and policies of an organization, we may not be able to determine, even in principle, who is morally responsible for those decisions and policies. This has been called "the problem of many hands," and the assumption that it is not solvable underlies the ethic of structure.

Three arguments are put forward to deny the possibility of ascribing individual responsibility in organizations and thereby to undermine the possibility of administrative ethics.

First, it is argued that no individual is a necessary or sufficient cause of any organizational outcome.' The contributions of each official are like the strands in a rope. Together they pull the load: no single strand could do the job alone, but the job could be done without any single strand.

A second argument points to the gap between individual intention and collective outcomes. In many organizations today, for example, we may well be able to say that no official intends to discriminate against minorities in the hiring and promoting of employees; yet the pattern of appointments and advancements still disadvantages certain minorities. Here we should want to condemn the pattern or policy (so the argument goes), but we could not morally blame any individual official for it.

A third argument stresses the requirements of role. The duties of office and the routines of large organizations require individual actions which, in themselves harmless or even in some sense obligatory, combine to produce harmful decisions and policies by the organization. Although the policy of the organization is morally wrong, each individual has done his or her moral duty according to the requirements of office. The collective sum is worse than its parts.

If we were to accept these arguments, we would let many guilty officials off the moral hook. Democratic accountability is likely to erode. How can these arguments be answered so that individual responsibility can be maintained in organizations?

First, we should not assess an official's moral responsibility solely according to the proportionate share he or she contributes to the outcome. "Responsibility is not a bucket in which less remains when some is apportioned out." If a gang of 10 thugs beats an old man to death, we do not punish each thug for only one-tenth of the murder (even if no single thug hit him hard enough to cause his death). Further, in imputing responsibility we should consider not only the acts that individuals committed but also the acts they omitted. In the context of organizations we can more often point to specific omissions that made a significant difference in the outcome and that are ascribable to specific persons. Patterns of omissions can be predicted and specified in advance.

The force of the second argument, which points to the gap between individual intention and collective outcome, can be blunted if we simply give less weight to intentions than to consequences in assessing moral culpability of officials, at least in two of the senses that "intention" is commonly understood-as motive and as direct goal.

We can legitimately hold public officials to a higher standard than that to which we hold ordinary citizens. We can expect officials to foresee and take into account a wider range of consequences, partly because of the general obligations of public office. Where the welfare of so many is at stake, officials must make exceptional efforts to anticipate consequences of their actions. While officials may once or twice reasonably claim they should not have been expected to foresee a harmful outcome to which their well-intentioned actions contributed, there must be some (low) limit to the number of times they may use this excuse to escape responsibility. In the example of discrimination in employment, we would say that officials should recognize that their organizational procedures (combined with social forces) are still producing unjust results in personnel decisions; they become partly responsible for the injustice if they do not take steps to overcome it as far as they can.

The requirements of a role insulate an official from blame much less than the earlier argument implied. In ascribing responsibility to public officials, we should keep in mind that it attaches to persons, not offices. It cannot be entirely determined by any one role a person holds, and it follows a person through time. These features of personal responsibility are sometimes ignored. Public officials are blamed for an immoral (or incompetent) performance in one role but then appear to start with a clean slate once they leave the old job and take up a new one. This recycling of discredited public figures is reinforced by the habit of collapsing personal responsibility into role responsibility.

Administrative ethics is possible-at least, the two major theoretical views that oppose its possibility are not compelling. We are forced to accept neither an ethic of neutrality that would suppress independent moral judgment, nor an ethic of structure that would ignore individual moral agency in organizations. To show that administrative ethics is possible is not of course to show how to make it actual. But understanding why administrative ethics is possible is a necessary step not only toward putting it into practice but also toward giving it meaningful content in practice.

13. Previous Years Vision IAS GS Mains Questions: Case Studies

1. *You are a young DM in a district, which is seeing rapid mushrooming of private Drug de-addiction centres. The centres are known to function in an unethical manner and their business model involves a specific consideration for cases of relapse victims. Although these centres charge at high rates, they are known to give families of addicts hope and institutionalisation of addicts has ensured maintenance of law and order, not seen in neighbouring districts.*

Analyse the following options for their positive and negative impact on the various stakeholders of the society.

- (a) Shutting down of the private rehab centres altogether*
- (b) Petitioning the higher authorities to deploy funds for opening up of government centres*
- (c) Setting up a medical team to delve into the matter more deeply and acting only after their report*
- (d) Letting the centres function in the same manner as earlier.*

Answer:

The drug de-addiction centres appear to be providing a respite to the family of the addict and society at large is saved from the security threat that these addicts may pose in form of thefts, robberies, etc. However, it is important to see that the addicts are themselves victims who fall into the trap of addiction and need help from families and society at large.

Therefore, a blanket ban on the rehabilitation centres as suggested in option (a) will do much harm than good. With families and relatives having nowhere to go and being largely unaware, the society would be doomed to suffer from economic and psychological stress due to burden of addicts and a situation of lawlessness can erupt.

The government centres, as suggested in option (b) is a welcome step as these centres will provide a model for other private centres. Additionally, public opinion will be created on improved methods practiced in government centres and they would demand the same from private counterparts.

Inaction, by merely waiting for the medical report as given in option (c), can have serious repercussions. This is indirectly encouraging the malpractices performed by private centres, blinding ourselves to the massive challenges of poor treatment and indirectly promoting the mal-practices as performed by the mushrooming private de-addiction centres.

Letting the centres run unhindered, as in option (d) would be running away from the moral and occupational duty of the administrator.

It is important to attack the root cause of the problem by providing awareness and education about the hazards of the drug problem alongside encouraging creation of government centres in the medium term. Additionally, strict norms of medical support need to be instituted, both in government and private centres. It is equally important to work in parallel towards eradicating the cause of the problem by deploying a medical expert team.

2. *You have just been appointed as a director of the city municipal corporation. A joint director, much senior to you in age and about to retire in six months, is passionately working on a very important urban planning project, successful completion of which would earn him a lasting reputation for the rest of his retired life. A new lady Civil Engineer has joined the corporation, having background from a leading premier institution in this field. This has made the Joint Director (JD) so insecure that he constantly fears that she would take all the credit. He has adopted a passive aggressive behavior towards her and is disrespectful in his communication to her. The lady engineer feels embarrassed when the Joint Director corrects her in front of other employees, raises his voice when speaking to her and leaves no chance to humiliate her. She may also be intimidated by him since he has had a long tenure in the office, has directly related experience in the functional area that she is working in, and was also favored by the previous Director. She may be feeling that she has no recourse in the matter. You are well aware of her outstanding academic and career record in previous organizations but fear this one sided ego clash from the side of the Joint Director would seriously compromise her much needed contribution in this important project and also, her emotional well-being. Latest, you come to know that she is planning to resign. How will you handle this situation?*

Answer:

Help the Joint Director understand that

- She will not be allowed to walk away with the credit of his work and assure him that as the Director you will ensure that he will be given due credit for his work as the Joint Director heading the project given to him.
- If because of him, she resigns and in the process puts a complaint, it might become a blot on his career.
- He should rather help create a good team of subordinates, even after he leaves, who will hold him in high esteem once he leaves and will be a good contribution from his side to the Corporation.
- The lady engineer has an outstanding academic and career record in previous organizations and good potential and he should help her realize it and play a good Mentor's role as he is her senior and has directly related experience in the functional area that she is working in. this is also his professional obligation in some sense.
- That his behavior and attitude towards her is non-professional and unwarranted.
- Make him realize how one sided ego clash from his side would seriously compromise her much needed contribution in this important project which is also his last project and her contribution instead could enhance the overall outcome getting him the final credit as, after all he is in charge of the Project.
- Such unprofessional attitude will also impact his efficiency and divert his focus towards non-productive aspects.

Help the new lady Civil Engineer understand:

- How and why the Joint Director is passionately involved
- Why and how she should get the JD into confidence by proving to be a dedicated and supportive subordinate. By showing the professional respect to her senior and by being a willing-to-learn subordinate she will satisfy the JD's ego as a senior. This way she will get lots of opportunities to learn from the JD's experience.
- That she can discuss the related dimensions one to one in advance, as a good and helping subordinate, to avoid any in-public awkward situations.

- That she can show better professionalism by being assertive when required but not aggressive in reply.
- That as the present Director, you will support her find her footing in the organization, if she shows patience and professionalism in times of stress and even after the JD retires.
- That you are impressed by her academic and career record and it will help her go a long way in the Corporation and that in career one needs to handle different types of stress.
- That you will always help her in overcoming any troublesome situation and she should not think of resigning, as it will not reflect well in her career record for quitting too soon.

Further make them interact more in your presence where you could balance and control the situation as the senior most official by position, ensuring the desired outcome for the Corporation and publicly also showing that you will take a just stand, encouraging both for their respective efforts.

3. ***You are an IPS officer who has recently been posted in a town, which is troubled by high crime rates. In the first few days at office, you observe widespread indiscipline and corruption and non-adherence to rules. One day you catch some people transporting a major illegal drug consignment into the town. Mr. X, a local politician calls you up and tells you that the drug consignment was being transported with his consent. He also tells you that you should release all the suspected people and asks you to not file an FIR on this issue. He warns you of grave consequences if you don't adhere to his advice. Moreover, he cites his links with your senior and also many other people within your department. To make matters worse, your senior calls you up and asks you to entertain Mr. X's demands.***

(a) The following are some suggested options. Please evaluate the merits and demerits of each of the options:

- 1. Give in to the demands of the politician and the senior and release the suspected people.***
- 2. Ask your senior for written orders.***
- 3. Talk to the senior's boss about the issue.***
- 4. Inform the media about the issue.***

(b) Also indicate (without necessarily restricting to the above options) what you would like to advise, giving proper reasons.

Approach:

It will be useful to consider: "fundamental principles or criteria that integrate and rearrange the process of dealing with ethical dilemmas in public administration are: (1) democratic accountability of administration, (2) the rule of law and the principle of legality, (3) professional integrity and (4) responsiveness to civil society" (Anthony Makrydemetres 2002).

This answer serves and explanatory purpose. It is by no means 'the' answer and the examinee has to decide and design her/his own course of action depending upon the constraints of time. The crux is to consider maximum possibilities and reason thoroughly.

Answer:

This case involves a dilemma between professional obligations of a public servant in-charge of law and order and his personal wellbeing. The case and its solution also involve the issues of due process, communication and chain of command.

From the facts of the case it is evident that law and order in the district is in bad shape and requires corrective measures. This can be brought about through adherence to rules and regulations in the first place. Secondly, specific case in instance involves the fact that drug consignment being transported in the town is **illegal/ in violation of law**- this pertains to concerns regarding your **jurisdiction and professional obligation/duty**. It involves a local politician and he threatens you with grave consequences- this involves concerns regarding your **personal well being**. That the politician knows your seniors and your senior calls you up to follow his dictate proves the linkage- this involves concerns regarding **chain of command**. However, it's not clear that the politician or the senior involved knew of the illegality of the drug consignment-here **communication** comes into picture. Nevertheless, there involvement amounts to interference in your jurisdiction and duty. The decision has to be based on your appraisal of the case and appropriate **due-process** in such a case.

Option 1:

Giving in the demands of the politician and the senior might let you out of a difficult situation conveniently. Nonetheless this is only a short term measure. It would set precedence that might have grave consequences in the future. Similarly such an action would not be a positive step in correcting the situation at hand i.e. the existing law and order situation as well as rampant violation of rules and regulation. You can inform your senior as well as the politician about the illegality of the drug consignment in case they were not aware of it. Even then if they insist on release of the suspects and non-filing of FIR, their involvement becomes clear.

Option 2:

Written order is a legal proof of involvement and clearly delineates the chain of command. Asking for a written order might act as a deterrent insomuch as the senior might refuse to do so. However, communicating clearly the illegality of the act is important. The senior might refrain from issuing such an order knowing the illegality of the act.

Even after knowing the illegality if the act if the senior issues a written orders the onus is on you. The written order would protect you in terms of culpability as far as your initiative is concerned. You can cite on being questioned that that you acted under orders. This might be technically correct however it is not ethically sound and amounts to abdication of responsibility. In effect following this option still makes the act illegal as well as unethical. It can be questioned in a court of law and the defence that you were acting under orders might not hold a ground there. Similarly, this option does not augur well for law and order in the district.

Option 3:

Talking to the senior's boss seems to be a logical corollary of duly considered action when communicating clearly to the senior fails. You must clearly and objectively explain the situation to him while seeking his counsel. This might result in the boss censoring the senior and supporting you in following the due process in consonance with the call of your duty. However, on the other side it might earn you the ire of your senior and he might hold a grudge against you.

Another flipside of this option depends on the approach of the boss. If he is also in conformity with the politician and the senior then this step might prove to be counterproductive and add pressure on you. If such be the case then it does not resolve the larger concerns of prevailing law and order conditions as well.

Option 4:

Informing the media is an option broadly in consonance with openness and responsiveness to the public at large. A tactful utilisation of media might result in mounting public pressure on the politician and senior officials involved, thus, expanding the ambit of stakeholders in upholding the duly considered legal action against illegal acts. Similarly, media can be helpful in creating awareness, public trust in officials and confidence in the government machinery. However, a sensationalist approach or taking recourse to media prematurely (before exploring other options/ channels of communication) might backfire leading to counter propaganda, official reprimand and deterioration of public order if the politician takes recourse to pressure tactics. The option requires greater caution and tact.

After having considered the options on offer, let us consider a course of action which is advisable:

The officer should ascertain the facts of the case prima-facie. After having assured himself of the merit of his case it's his responsibility to follow due course of law by filling and FIR and further investigation. The call from the local politician should be taken in the spirit of public nature of his office without feeling any obligation to fulfil his dictates. Politely but firmly explain to him the illegality, in case he is not aware of it. Also try and explain the sensitivity involved and how an active media would take cognisance of the case. Similarly, communicate to the senior the illegality and sensitivity. If he insists even then, inform him that you are inclined to follow the due course of law and verbal order is not enforceable. Talking to the boss of the senior should be considered only after this step for following the chain of command and in the spirit of greater departmental communication. Media can be involved as an ally on reporting the facts of the case and not for gaining fame and glory. The official should fulfil his responsibility through upholding the principles of rule of law and legality, professional integrity and responsiveness to civil society.

14. Previous Years UPSC GS Mains Questions

1. "A mere compliance with law is not enough, the public servant also have to have a well developed sensibility to ethical issues for effective discharge of duties" Do you agree? Explain with the help of two examples where (i) an act is ethically right, but not legally and (ii) an act is legally right, but not ethically. (10 Marks) (150 words)
2. At the international level, bilateral relations between most nations are governed on the policy of promoting one's own national interest without any regard for the interest of other nations. This leads to conflict and tension between the nations. How can ethical consideration help resolve such tensions? Discuss with specific examples. (10 Marks) (150 words)
3. "Max Weber said that it is not wise to apply to public administration the sort of moral and ethical norms we apply to matters of personal conscience. It is important to realise that the State bureaucracy might possess its own independent bureaucratic morality." Critically analyse this statement.
4. Discipline generally implies following the order and subordination. However, it may be counter-productive for the organisation. Discuss. (150 Words, 10)

15. Previous Years UPSC Mains Questions: Case Studies

1. You are an honest and responsible civil servant. You often observe the following:
 - (a) There is a general perception that adhering to ethical conduct one may face difficulties to oneself and cause problems for the family, whereas unfair practices may help to reach the career goals.
 - (b) When the number of people adopting unfair means is large, a small minority having a penchant towards ethical means makes no difference.
 - (c) Sticking to ethical means is detrimental to the larger developmental goals
 - (d) While one may not involve oneself in large unethical practices, but giving and accepting small gifts makes the system more efficient. Examine the above statements with their merits and demerits. (250 Words, 20)

2. Land needed for mining, dams and other large-scale projects is acquired mostly from Adivasis, hill dwellers and rural communities. The displaced persons are paid monetary compensation as per the legal provisions. However, the payment is often tardy. In any case, it cannot sustain the displaced families for long. These people do not possess marketable skills to engage in some other occupation. They end up as low paid migrant labourers. Moreover, their traditional ways of community living are destroyed. Thus, the benefits of development go to industries, industrialists and urban communities whereas the costs are passed on to these poor helpless people. This unjust distribution of costs and benefits is unethical. Suppose you have been entrusted with the task of drafting a better compensationcum-rehabilitation policy for such displaced persons, how would you approach the problem and what would be the main elements of your suggested policy?

3. You are a no-nonsense, honest officer. You have been transferred to a remote district to head a department that is notorious for its inefficiency and callousness. You find that the main cause of the poor state of affairs is the indiscipline of a section of employees. They do not work themselves and also disrupt the working of others. You first warned the troublemakers to mend their ways or else face disciplinary action. When the warning had little effect, you issued a show cause notice to the ringleaders. As a retaliatory measure, these troublemakers instigated a woman employee amongst them to file a complaint of sexual harassment against you with the Women's Commission. The Commission promptly seeks your explanation. The matter is also publicized in the media to embarrass you further. Some of the options to handle this situation could be as follows:
 - (a) Give your explanation to the Commission and go soft on the disciplinary action.
 - (b) Ignore the Commission and proceed firmly with the disciplinary action.
 - (c) Brief your higher-ups, seek directions from them and act accordingly.
 - (d) Suggest any other possible option(s). Evaluate all of them and suggest the best course of action, giving your reasons for it

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INFORMATION SHARING AND TRANSPARENCY IN GOVERNANCE

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1. Introduction

"A people who mean to be their own governors must arm themselves with the power that knowledge gives".

– James Madison

Transparency and information sharing form the two most important pillars of the good governance in a mature democracy. Transparency and information sharing are key tools to build accountability and trust in public offices. They are indispensable in the quest for good governance – be it timely execution of projects, or fight against corruption or arbitrary exercise of power. These empower citizens, foster their participation in public affairs, strengthen participatory democracy and usher in people centric governance.

During colonial times, the primary purpose of governance was to exercise and consolidate control over the people and run an 'extractive economy', rather than their welfare. Even though the system of administration was based on 'rule of law' and 'procedure established by law', the administration itself was not merely distrustful of the Indians, but it constantly undermined their interests and denied them progress, as was clearly brought forward by the 'Drain Theory' of Dadabhai Naoroji and in the writings of Romesh Chunder Dutt (Economic History of India). The British supported the culture of secrecy by means of law such as the Official Secrets Act, 1923 and others which became a convenient tool for the government to deny access to information to the general public. As such, the right to participate in governance was the key plank on which our independence movement started- the general principle being exercise of power with responsibility and legitimacy.

After Independence, even though the colonial legacy of secrecy had little support, these laws still remained. However, with time, the increasingly vocal civil society and an aware citizenry has been arguing and pressing for further democratizing and opening up the governance process. As such, important steps have been taken to usher in transparency and to provide universal access to information to the general public. In this context, the **Right to Information Act 2005** can be regarded as the most potent tool to promote openness and further accountability. **National Data Sharing and Accessibility Policy (NDSAP), 2012**, has been put in place to increase the accessibility and easier sharing of data among various stakeholders and their availability for scientific, economic and social developmental purposes. Rapid expansion of digital technologies in India in the form of e-governance and m-governance has been furthering the cause of making people aware, informed and empowered.

2. Transparency

2.1. Background

'Freedom of Information (FOI) can be defined as the right to access information held by public bodies. It is an integral part of the fundamental right of freedom of expression, as recognized by Resolution 59 of the UN General Assembly adopted in 1946, as well as by Article 19 of the Universal Declaration of Human Rights (1948), which states that the fundamental right of freedom of expression encompasses the freedom to "to seek, receive and impart information and ideas through any media and regardless of frontiers'. (United Nations)

Right to Information is a global phenomenon. Most of the democratic countries have recognized the Right to Information in one way or the other. It has also been enshrined as a corollary of freedom of expression in other major international instruments, including the International Covenant on Civil and Political Rights (1966) and the American Convention on Human Rights (1969).

In India, it was the Supreme Court in 1982 that held that disclosure of Information as regards the functioning of Government must be the rule and secrecy an exception. In 1986, in the *Mr. Kulwal v/s Jaipur Municipal Corporation* case, the Supreme Court gave clear cut directive that Freedom of Speech and Expression provided under article 19 of the Constitution clearly implies Right to Information as without information the freedom of speech and expression cannot be fully used by the citizens.

Amendments to the Official Secrets Act, 1923 were discussed politically, first by the Janta Party government in post emergency era (when it promised to address the issue of misuse of government machinery for personal and partisan ends and a relook at the Official Secrets Act of 1923) and then by the VP Singh government. However, no changes were recommended.

It was the MKSS (Mazdoor Kisan Shakti Sangathan), a grassroots organization led by activists Aruna Roy and Nikhil Dey that started the movement of Right to Information regarding development projects in rural Rajasthan. In 1996, NCPRI (National Campaign for People's Right to Information) was formed as one of the several others civil society groups with an objective of getting the legislation on Right to Information passed. Role of WTO and other multilateral agencies must also be acknowledged. These institutions, although were venturing in the sovereign domain, made RTI as one of the 'aid conditionalities'.

The campaign by MKSS spread throughout the state of Rajasthan. It was a movement by peasants and workers that demanded social audit of accounts in the villages and thereby exposed the corruption at the lower levels of administration. Their campaign for right to information was effectively linked to the livelihood issues of the rural person and was deeply rooted in the struggles and concerns of survival and justice of the most disadvantaged rural people. MKSS's demand for right to information arose from the demand to get minimum wages and check rampant corruption by inspection of muster rolls and bill vouchers. They employed a direct technique to fight for the right to information, namely, the use of 'jan sunwais' or public hearings.

The demand for RTI spread to the entire country. Tamil Nadu was the first state to enact RTI legislation in 1997, Rajasthan enacted the Right to Information Act in 2000, and the Union Government came up with the Freedom of Information Act in 2003. The FOI Act, 2003 did not acknowledge the Right to Information of the people in as much as it did not provide for any judicial appeal process. The appeals lied only in the government departments and no independent body was established for this purpose. RTI Act in The RTI Act of 2005 overcame these lacunae and provided a legal framework for the working of Right to Information. The act noted in its very preamble that it does not create any new right but only provides machinery to effectuate the fundamental right to information. It set up the institution of Information Commissioners at the Centre and States and an office of Public Information Officers in every department. (The act has been covered in detail in later part of the document).

2.2. Definition

Despite the political importance and growing international interest in cause of promoting transparency, currently there is no commonly agreed upon definition of this term. As such, transparency is a multifaceted concept.

Christopher Hood broadly defines it as a doctrine of openness that expects the general conduct of the government to be predictable and to operate according to published rules and regulations rather than an arbitrary exercise.

Vishwanath and Kaufmann (1999) have defined transparency as the "increased flow of timely and reliable information, which is accessible to all relevant stakeholders". This perspective emphasizes not only the availability of information, but also its reliability and accessibility.

2nd ARC in its 1st report, Right to Information: Master Key to Governance, defines transparency as:

'...availability of information to the general public and clarity about functioning of governmental institutions'

In a transparent system, the selection of beneficiaries for any government scheme would be based on explicitly known and publicly communicated criteria; it will also be known as to who will apply these regulations and procedure, when and how and, what benefits would accrue to those families and individuals who fit these criteria, when will these benefits accrue, at what costs or mutual obligations and so on.

It must be understood that **transparency is different from information sharing**. The latter involves only providing the relevant information or data to the people, whereas the former is a much broader concept. In transparent governance system, the criteria, procedures and systems of decision-making are openly known to all. Information sharing is sine-qua-non for transparency.

Therefore, we can say that in a broad sense, Transparency refers not only to the level of openness, accessibility and reliability of information but also to style of functioning and the priorities accorded by the government in policy making, which includes the predictable and impartial manner of administration and implementation of laws and regulations by the governing bodies.

2.3. Transparency: A Pillar of Good Governance

Transparency serves two important functions: protection of individual rights and the facilitation of individual involvement in governance. The public values transparency. Further, transparency is not just a means to fulfill certain functions but an end in itself. Belief in the openness of government to regular inspection is so firmly ingrained in our collective consciousness that transparency has innate value. Since past few decades, the movement to usher in transparency in governance has gained momentum with international and domestic pressure groups advocating transparency as a necessary condition for an accountable and responsible government and for elimination of corruption and ending the culture of impunity in name of official duty. In fact, transparency is now widely recognized as a core principle of good governance. It is the public check on 'arbitrary' exercise of power in violation of the policy, rules and procedures established by the law. It encourages improvement and improvisations in the executive decision making.

Regarding this, 2nd ARC states that:

'Access to information can empower the poor and the weaker sections of society to demand and get information about public policies and actions, thereby leading to their welfare. Without good governance, no amount of developmental schemes can bring improvements in the quality of life of the citizens. Good governance has four elements- transparency, accountability, predictability and participation.'

Further, it states:

'Right to information opens up government's records to public scrutiny, thereby arming citizens with a vital tool to inform them about what the government does and how effectively, thus making the government more accountable. Transparency in government organizations makes them function more objectively thereby enhancing predictability. Information about functioning of government also enables citizens to participate in the governance process effectively. In a fundamental sense, right to information is a basic necessity of good governance.'

Transparency empowers the citizens with information and promotes democratic decision-making. The electorate has a keen interest in government actions and processes, ranging from allocation and redistribution of resources to market barriers and restrictions, tax and subsidy incidences and so on. These factors not only affect the economic performance of market activities but also determine the political support voters may offer to the incumbent policymakers. Greater transparency may help bring down the rates of political corruption by facilitating legal, administrative or electoral mechanisms of punishment. Transparent governance creates greater public trust and lends legitimacy to the government actions. Information is the currency that every citizen requires to participate in the life and governance of society. Greater the access of the citizen to information, greater would be the responsiveness of the government to community needs. Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choices.

Information can empower poor communities to battle the circumstances in which they find themselves and help balance the unequal power dynamics that exist between the underprivileged and their governments. The crucial factor in this balance is that the information must be timely, relevant, accurate and complete for it to be used effectively.

Transparency is necessary for making the system of public service delivery effective to enable the citizens such that they are able to exercise their claims. However, mere knowledge of what entitlements are, and who is responsible for fulfilling them, is not enough in ensuring that public services are adequately and effectively delivered to the 'intended' beneficiaries. There must be accountability mechanisms built in the governance system. Therefore, accountability and transparency are inextricably linked to each other for good governance.

2.4. Features of Transparent Governance

Transparency or openness, and consequentially transparent governance, can be said to have the following basic components:

- information sharing or access to information
- Participative governance
- Accountability mechanisms
- Whistle blower's protection

Over time, India has made consistent efforts to imbibe these components in the government by working on the following three focus areas:

- **Right to information laws** – to establish the constitutional/legal right for a citizen to access the information that they want;
- **Proactive transparency** – to commit governments to publishing as much information as possible in an accessible form;
- **Open data approach** – to enable all the stakeholders to reconfigure the government data into inter-operable and accessible formats.

2.4.1. Information Sharing

Information sharing refers to the exchange of data among various governing bodies, organizations and the general public. Access to information is a crucial, and perhaps the largest, subset of it.

Right to Information and its related aspects find articulation as a human right in the most widely accepted and adopted human rights documents, namely, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Indian Parliament has also institutionalized this right by legislating Right to Information Act 2005 which mandates timely response to citizen requests for government information (*refer later sections of this document for the detailed analysis of the RTI Act*).

Further, parliamentary debates are televised in India, government audit reports are published and the government positions on various policy issues are widely advertised through websites, radio and social media. Most recently, the government has launched data.gov.in website to promote Open Data Government (ODG).

2.4.2. Participative Governance

Participative governance is one of the means to achieve transparency in governance through the **bottom up approach**. It entails participation of people in decision-making at the grass root level through decentralization of powers to the local self-governing bodies. In the pre-independence period, Gandhiji's vision of good governance essentially meant democratic decentralization, which meant power to the Gram Panchayats and people at the lowest level of political hierarchy.

The **73rd and 74th Constitutional Amendment Acts**, by giving constitutional status to Panchayats and Urban Local bodies, have been the single-most substantial countrywide initiatives that seek to improve transparency in governance through participative form of governance. People now could take part in the issues that affected them directly, thereby having a say in decision-making.

However, there exists much scope of improvement, as the framework is yet to achieve its intended potential. The reluctance of government officials, an inadequate framework of financial independence and a general lack of awareness among citizens are the oft-quoted reasons for hampering effective participation of civil society in planning and decision-making. Nevertheless, a gradual empowerment of these bodies is taking place with many State governments devolving more subjects of **Schedules XI and XII** to them. The **Fourteenth Finance Commission** has also suggested means for their adequate funding.

Following are some other initiatives towards participative governance:

- **Social Audit** –It is a potent tool in the hands of citizens to monitor and evaluate the working of various governance bodies. Initiated by the **Mazdoor Kisan Shakti Sangathan** (MKSS) as '*jansunwai*' (public hearing), in 1990s, now social audits have been made mandatory in statutes such that the Mahatma Gandhi National Rural Employment Guarantee Act. Such audits have increased citizen participation and have helped in ensuring checks and balance in system. For instance, in Andhra Pradesh, state-wide social audits found fraud of large amounts **resulting in administrative or criminal charges against nearly 7,000 officials**. This has also ushered in environmental democracy and governance.
- **Resident Welfare Associations** –These include state-specific incentives to incorporate the views of society or to devolve the decision-making power for basic civic functions to the citizens. These initiatives have been applauded for their implementation and intent of engaging common citizens to promote '*janbhagidari*' (public participation). The Bhagidari scheme of the Delhi Government directly involves citizens through RWAs in monthly meetings in order to mobilize the community to take responsibility for their respective zones and areas. These RWAs are also the first point of contact for state utilities while planning development-related and other changes.
- **People's Plan Campaign (PPC)** in Kerala was an experiment in decentralized planning (1996). Local governments were required to make their own Five Year Plans with direct engagement of public. Adequate funds from the State's development budget were also devolved for the process. However, this scheme has since been scrapped.

2.4.3. Accountability Mechanisms

There is an inextricable and reciprocal link between transparency and accountability. Essentially the term accountability encapsulates three main elements;

- Answerability i.e. the need for justification of actions to the institutions of governance;
- Enforcement i.e. the sanction that could be imposed if the action or justification of actions is found to be unsatisfactory,
- Responsiveness i.e. the ability of those held accountable to respond to the demands made

Interwoven in these core elements is the notion of transparency. Transparency of information is instrumental for demanding accountability because without information individuals cannot know the excesses being committed by the state or misappropriation of funds by corrupt officials and the like. Further, transparency of information is also seen as significant for motivating citizens to exercise '**voice power**'. Voice power is defined as the capacity of citizens to pressurize the frontline officials in ensuring effective delivery of services. This voice power results in greater accountability.

Laws providing for access to information will be ineffective if citizens do not have the capability or the resources to exercise their right to seek information. Likewise, raising awareness about the law and communicating to citizens through various media about how to use such laws is crucial to make them effective.

There are two aspects to accountability – the institutions which extract and enforce accountability, and the tools that they possess for this. The institutions that extract accountability can be within the state (horizontal accountability) or outside the state (vertical accountability). These are:

1. Head of the organization at the organizational level.
2. Departmental head at departmental level.
3. Concerned ministry at the ministerial level.
4. Parliamentary proceedings at the national level.
5. Public opinion at popular level.
6. Media and civil society at societal level.
7. Judiciary
8. Lokayuktas in states (that have enacted the relevant laws)

The tools/mechanisms that these institutions use include:

1. The Right to Information Act
2. Citizen Charters
3. To a limited extent, Social Audits/ Service delivery surveys by Citizens' oversight committees/ watchdog bodies
4. Performance Management System, punishments and rewards, disciplinary procedures by the Superior officers
5. Departmental/ Internal Audit by CAG and other bodies
6. Grievance Redressal Mechanisms
7. Performance Management Divisions – to track performance of Ministries

Table 13.1: Institutions and Mechanisms that Promote Accountability

Outside the State (Vertical)	
- To the people through elections - Through RTI Act to citizens	High effectiveness
- Citizens' oversight committees - Civil society/watchdog bodies - Media	Low effectiveness
- Service delivery surveys - Citizens' charters	Low to medium effectiveness
Within the State (Horizontal)	
<i>External</i> (Outside the Executive)	- Parliament - Judiciary - Lokayukta - CAG - CVC
<i>Internal</i> (Within the Executive)	- Superior officers - Rewards/punishments - Disciplinary procedures - Performance Management System - CBI/police/vigilance - Internal Audit - Grievance Redressal Mechanisms

The manner in which accountability is extracted by various bodies:

- **Constitution, laws and executive rules** which specify dos and don'ts for public servants and reduce arbitrariness in governance.
- **Institutions** such as Parliament, Judiciary, CVC, Lokpal etc. ensure that corrective actions are taken whenever public servants go against rule of law.
- **Civil societies, NGOs, mass media and citizens** have become vital elements to enforce standards of good performance on officials. They have started questioning decisions of officials and are playing an active role to hold the government to account. In the digital era of fast communication and 24x7 news, media- both social and conventional has become a major force to keep an eye on lawful exercise of power.

Some recent initiatives taken to promote accountability in governance:

1. **PRAGATI**, which is a multi-purpose, multi-modal platform for Pro-Active Governance and Timely Implementation. PRAGATI is a unique integrating and interactive platform. The platform is aimed at addressing common man's grievances, and simultaneously monitoring and reviewing important programmes and projects of the Government of India as well as projects flagged by State Governments. The PRAGATI platform uniquely bundles three latest technologies: Digital data management, video-conferencing and geo-spatial technology. It also offers a unique combination in the direction of cooperative federalism since it brings on one stage the Secretaries of Government of India and the Chief Secretaries of the States. With this, the Prime Minister is able to discuss the issues with the concerned Central and State officials with full information and latest visuals of the ground level situation. It is also an innovative project in e-governance and good governance.

2. **Performance management division**- The Central Government started this division to track and incentivize improved outcomes of government decisions. It lays down clear guidelines for officials in all ministries for tracking performance, based on results. The tendency to delay decision-making needs to be curbed leading to faster resolution. This will help every decision to reach its logical conclusion much faster
3. **Government e-market place** - Government e-Marketplace (GeM) aims to transform the way in which procurement of goods and services is done by the Government Ministries/Departments, PSUs, autonomous bodies etc. It is a technology driven platform to facilitate procurement of goods and services by various Ministries and agencies of the Government. GeM is a completely paperless, cashless and system driven e-market place that enables procurement of common use goods and services with minimal human interface.

Transparency and accountability-related themes are now being increasingly adopted across states in programs like Guaranteed Services Delivery Act wherein any delay in service delivery by a Government official beyond the specified time limit is penalized. This is similar to the provision in the RTI Act and has been adopted in states like Delhi, Rajasthan, Bihar and Madhya Pradesh.

2.4.4. Whistleblower's Protection

Whistle-blowing is often defined as the disclosure by organization members of illegal or immoral practices under the control of their employers to persons or organizations that may be able to take corrective action. Whistle-blower protection allows individuals to disclose information despite their vulnerability to retaliation from those in powers.

The Parliament passed the Whistleblowers Protection Act, 2014, which provides a mechanism for protecting the identity of whistleblowers. As per the law, any public servant or any other person including NGOs can make public interest disclosure to Central Vigilance Commission related to an act of corruption, misuse of power, or criminal offence by a public servant. However, information related to national security has been kept out of the purview of the Act.

A new bill - the Whistle Blowers Protection (Amendment) Bill, 2015 – has been introduced in the Parliament to amend the current 2014 law to exclude issues of national security, sovereignty, integrity, security or economic interests of the state out of its purview. These provisions have been modeled on the lines of the RTI Act. The Bill has been passed by the Lok Sabha and now lies in the Rajya Sabha. (This issue has been analysed in detail in document 'Probity in Governance').

2.5. Issues with Respect to Transparency in India

In general, transparency contains a host of contested issues, such as:

- Where to draw the line between the principles of transparency and national security, privacy of a person, and corporations' desire for nondisclosure in face of competition;
- Whether government offices must publish information proactively or simply provide information upon request;
- Who should incur the cost of information provision (public offices versus those seeking access)

For India, the *de jure* policies on transparency appear to be in place, and yet in the *de facto* implementation and delivery, there is rampant corruption, absenteeism, indifference, incompetence, inefficiencies or outright failures. At the heart of these failures, is a systemic crisis of accountability. In fact, some observers have argued that the Indian state, its institutions, and the rules that govern them are structured to avoid accountability altogether.

Despite enactment of the RTI Act in 2005 there still remains gap between openness and pinning accountability. The pro-active disclosure by public sector organizations as mandated by RTI Act 2005 is still not widely practiced in India. In addition to that, the RTI activists and whistleblowers in India are vulnerable and face constant life threat. Moreover, amendments to the whistleblower protection act seem to dilute the existing protections to whistle blowers (detailed further).

Political parties do not come under the ambit of RTI Act 2005. There is lack of transparency in political funding, which is a conduit for black money.

Further, the judiciary has also provided itself immunity from Right to Information Act, 2005. The Supreme Court is reluctant to bring the higher Judiciary under the purview of the RTI Act and is also reluctant to the practice of disclosure of the assets of Supreme Court and the High Court judges. It must be clarified that court proceedings or judgements have always been in public domain, but that is not the intent of bringing judiciary under RTI.

However, it must be noted that the participants of this democratic system of India i.e. citizens have a right to know what, how and why of any decision, changes or continuity regarding or of its functioning. The Right to Information is falls within the ambit of Fundamental Rights and is guaranteed by Article 19(1)(a) of the Constitution of India and also statutorily assured by the RTI Act of 2005. In India, the openness in the exercise of public power – Executive, Legislative or Judiciary – should be a culture, which needed to be nurtured, with secrecy and confidentiality being an exception.

The Indian government is increasingly adopting digital technologies to promote e-governance and thereby transparency in governance. *However, it must be noted that e-government may not be the open government.* If a government agency adopts digital records, they may indeed see gains in efficiency even if they do not make those records publicly available. But unless the reforms improved public access to these records, this would not qualify as open government.

According to the *Report of Open Government Data in India 2011*, while government has initiated many e-governance initiatives, not many of them have resulted in publicly accessible databases. Fewer still of those publicly accessible databases are open in terms of data reusability, easy accessibility and understandability. Putting out raw data is not sufficient. To ensure the relevance of open government data, mechanisms have to be put in place to take its benefits to the common person and to the marginalized communities, both by the government as well as by civil society organizations. Concrete steps on these lines will help realize the dream of Open data in the near future in India.

2.6. Issues with the Official Secrets Act, 1923 (Excerpts from ARC)

The Official Secrets Act (1923), enacted during the colonial era, governs all matters of secrecy and confidentiality in governance. The law largely deals with matters of security and provides a framework for dealing with espionage, sedition and other assaults on the unity and integrity of the nation. However, given the colonial climate of mistrust of people and the primacy of public officials in dealing with the citizens, OSA created a culture of secrecy. Confidentiality became the norm and disclosure the exception. While Section 5 of OSA was obviously intended to deal with potential breaches of national security, the wording of the law and the colonial times in which it was implemented made it into a catch-all legal provision converting practically every issue of governance into a confidential matter. This tendency was buttressed by the Civil Service Conduct Rules, 1964 which prohibit communication of an official document to anyone without authorization. Section 123 of the Indian Evidence Act, enacted in 1872, prohibits the giving of evidence from unpublished official records without the permission of the Head of the Department, who has abundant discretion in the matter.

In a democracy, people are sovereign and the elected government and its functionaries are public servants. It is a government by discussion, an open government within the framework of law. Therefore, by the very nature of things, transparency should be the norm in all matters of governance. However, it is well recognized that public interest is best served if certain sensitive matters affecting national security are kept out of public gaze. Similarly, the collective responsibility of the Cabinet demands uninhibited debate on public issues in the Council of Ministers, free from the pulls and pressures of day-to-day politics. People should have the unhindered right to know the decisions of the Cabinet and the reasons for these, but not what actually transpires within the confines of the 'Cabinet room'. The RTI Act recognizes these confidentiality requirements in matters of State and Section 8 of the Act exempts all such matters from disclosure.

Sec. 8(2) of the RTI Act states:

"Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests".

The provisions of the Act which allow disclosure of information even where there is a clash with the exemption provisions of Sec.8(1) enjoy a general immunity from other Acts and instruments by virtue of Sec.22 of the Act, which states that:

"Sec.22 The provisions of this Act shall have effect notwithstanding anything inconsistent there with contained in the Official Secrets Act, 1923, and any other law for the time being in force or any instrument having effect by virtue of any law other than this Act".

Thus, by the very spirit of this section, OSA would not come in the way of disclosure of information if it is otherwise permissible under the RTI Act. But OSA along with other rules and instructions may impinge on the regime of freedom of information as they historically nurtured a culture of secrecy and non-disclosure, which is against the spirit of the Right to Information. Even information which does not have a bearing on national security cannot be disclosed if the public servant obtained or has access to it by virtue of holding office. Such illiberal and draconian provisions clearly bred a culture of secrecy. Though the RTI Act now overrides these provisions in relation to matters not exempted by the Official Secrets Act itself from disclosure, the fact remains that OSA in its current form in the statute books is an anachronism.

Therefore, keeping in view the necessity of national security on one hand and to shred the culture of secrecy that it promoted, the 2nd ARC recommended that the Official Secrets Act, 1923 be repealed and substituted by a chapter in National Security Act (1980), containing provisions related to official secrets. However, the government has not accepted this recommendation.

3. Right to Information Act 2005 – Detailed Analysis

RTI Act empowers the citizens of India to seek information from a public authority, thus facilitating transparency and accountability of government and its auxiliaries.

- Under the provisions of the Act, any citizen may request information from a "public authority" (a body of Government or "instrumentality of State"), which is required to reply expeditiously or within thirty days.
- The Act requires every public authority to computerize their records for wide dissemination and to "pro-actively" publish certain categories of information so that the citizens need minimum recourse to request for information formally (i.e. disclosure of information with respect to functioning of the government must be a rule rather than an exception and must be provided proactively, without asking for it).

- It applies to all States and Union Territories of India except the State of Jammu and Kashmir, which has its own J&K RTI Act in force.
- Department of Personnel and Training has been made the Nodal Department for the RTI implementation at the Central level.
- As per the Act, Information Commissions are expected to issue orders/directions to the Public Authorities to carry out their duties as per the mandate of the Act.

Brief working of the act

The act relies on two important functionaries - PIOs and the Appellate Authorities (AAs) who play a crucial role in implementing it. The PIO is the first line of contact with the common man, and the officer has to deal with RTI applications seeking information on numerous issues. In case the PIO fails to provide information on time or the applicant is not satisfied with the information provided, the AA — often a senior officer in the department — steps in.

The Appellate Authority can conduct hearings on the matter and give directions which have to be followed. If the applicant is still dissatisfied, he/she can move the Information Commission for a second appeal hearing. There is no hierarchy of Central or State Information Commissions (CIC/SIC). CIC deals with departments of central government and SIC with departments of State government. The CIC does not have jurisdiction over a State Information Commission nor a complaint or appeal can be filed in CIC against an order of a State Information Commission.

3.1. RTI - An Instrument of Change

“Where a society has chosen to accept democracy as its creedal faith, it is elementary that citizens ought to know what their government is doing” – Justice P N Bhagwati

Information is the oxygen that an aware citizen needs to thrive in a democratic society. Right to Information (RTI) in India was developed through judicial pronouncements and later given proper shape through Right to Information Act 2005. This RTI Act became a pioneer tool to the citizens of India for promoting, protecting and defending their Right to know.

Highlighting its importance, the second ARC states that the RTI is master key to good governance. The RTI helps in ensuring accountability in governance, minimizing corruption and inefficiency in public offices. It enables people's participation in governance and decision making.

In India, the culture of secrecy beginning from the colonial rule fueled rampant corruption. Lack of openness and accountability in the functioning of the government not only bred inefficiency but also perpetuated all forms of poverty. The RTI Act brings the two most important tools – transparency and accountability – together for eradicating the corruption that becomes hindrance to good governance.

The Act empowers the common man to know his entitlement to avail a particular public service, and redress the grievance, if any. It also includes the 'Right to be Heard and Consumer Education', i.e. educating the consumer about her rights. It is based on the rationale of “participatory, transparent and accountable governance”. Under the Right to Information Act public servants can also be questioned on their conduct and thus made accountable.

The RTI has become a tool for promoting participatory development, strengthening democratic governance and facilitating effective delivery of public services. In the knowledge society, in which we live today, acquisition of information and its application have pervasive impact on processes of taking informed decisions, resulting in overall productivity gains. Therefore, the purpose of the act is to promote openness, transparency and accountability in the administration.

Enactment of the RTI Act has brought sensitivity, responsibility and accountability to the development process, especially in the rural areas. It is path breaking in controlling delays in the implementation of government-sponsored programmes and the functioning of public authorities. The RTI is influencing people to come forward and question the progress on various welfare schemes, creating positive changes in the most backward areas of India.

3.2. Role of Stakeholders in RTI Implementation

RTI Act has the potential to bring in a revolution in the Indian bureaucracy, provided the stakeholders and the agencies concerned take up their responsibility towards the spirit of the Act. Most of the execution is to be carried out by appropriate governments and Information Commissions. Time and again it has been found that various agencies, media etc. have functioned as a pressure group for the active implementation of the Act. Key role played by various entities has been discussed below:

1) Civil Society Organizations/NGOs

They help in enhancing the reach and awareness of RTI among the masses, especially in rural areas. However, given the geographical size and population of the country, their reach is limited. They have also made contribution towards training of Public Information Officers (PIOs)

2) Media

Media has played an important role in generating awareness at a mass scale through news articles and TV debates. In the context of RTI implementation, journalists at times have played a dual role as the users of RTI Act and also as the watchdogs, monitoring and scrutinizing the implementation of the Act.

3) State Governments

Maximum engagement of citizens happens with the agencies under the state governments. Hence, effectiveness of RTI act depends crucially on the sensitivity and implementation of the act in State government departments.

- **Jankari Call Centre:** Bihar Government has initiated a six-seater call center. This call center facilitates a caller in drafting the RTI application and the fee is collected through the phone bill. Similarly RTI Helpline in Bangalore is providing RTI information to citizens
- **“Train the Trainer” concept in Assam:** Assam has adapted a “Train the Trainers” concept, where the Government trains the NGOs to impart training to citizens on RTI in order to maximize the reach of RTI and ensure that there is local ownership and sustainability.

3.3. Success Stories

RTI has become a weapon in the hands of common citizens to fight for their rights. It is not surprising that the most frequent usage of the RTI Act has been in the areas where citizens had to struggle to get what was rightfully theirs. The Act itself has completed ten years of implementation in which it has changed the thinking and the style of functioning of government machinery. Prior to the Act, the judicial pronouncements supporting the RTI have also encouraged a culture of asking questions in ordinary people. Following are some success stories to have a glimpse of the impact of RTI in the life of the common man.

1. **Utilisation of taxpayers’ money is being scrutinized through RTI.** Highway projects, bank loans, Crop insurance schemes, Public Distribution Scheme – any avenue where public funds are involved are under the ambit of RTI. Many inefficiencies have been checked and scams brought to surface with the help of RTI
2. **RTI exposed corruption in employment generation scheme MGNREGA**
In Santhpur village in Bidar District of Karnataka, RTI activists used the act to expose

corruption in MGNREGA. Through an RTI application, it was discovered that the people employed in four projects of MGNREGA were the same and were all members of a local politician's family, who had never stepped out for any hard labor.

3. In another case, a rickshaw puller was asked to pay INR 5000 to get his application passed in order to get his home built under Indira Awas Yojana, after 5 years of applying under the scheme. This clearly shows the level of corruption in the socio-economic schemes. Eventually, he filed an RTI application with the help of an NGO and as a result he got his first installment INR 15000 under the scheme.

There are many such examples where people have benefitted from the RTI Act and corruption as well as corrupt have been exposed and punished. RTI is empowering people by letting them hold the executive responsible for its actions and for the ways the resources of the country are being put to use.

3.4. Implementation Challenges

Department of Personnel and Training conducted a field survey (in 2008) to gauge the issues in the enforcement and implementation of the RTI. It came out with the following findings:

1. Low public awareness

Section 26 of the RTI Act states that the concerned Government may develop and organize educational programs to advance the understanding of the public, especially disadvantaged communities, regarding how to exercise the rights contemplated under the Act.

- However, as per the survey it was revealed that **only 15% of the respondents were aware** of the RTI Act. During the awareness survey, it was also observed that the major sources of this awareness were mass media channels like television channels, newspapers etc. and the word of mouth.
- It was further observed that awareness level is low among the disadvantaged communities like women, rural population and socially backward caste like SC/ST/OBCs.

Efforts made by appropriate Governments and Public Authorities have been restricted to publishing of rules and FAQs on websites. These efforts have not been helpful in generating mass awareness of the RTI Act.

2. Constraints or complications in filing complaints

- a) **Non- "availability" of User Guides for information seekers:** 52% of the citizens surveyed requested availability of a user guide/manual at all the Public Authorities.

Lack of user guides results in *substantial efforts* on the part of the information seeker to gather knowledge about the process for submitting an RTI request. This often sends them away from making use of their right to information.

- b) **Inconvenient payment channels for offline RTI application submission:**

It was found in the survey that in the absence of clear guidelines and instructions, public authorities have chosen a subset of the allowed payment channels such as cash and demand drafts, which causes inconvenience to citizens. Further, *collection of fees through cash necessitates the presence of the applicant in the State, whereas the Act does not provide for any such restriction.*

Further, the survey revealed that submission of applications through the PIO's office is the most prevalent submission channel, therefore "*proper signage*" with the location details and availability time of the PIOs is crucial. However, 85% of the information seekers said that no signage was present to locate the concerned PIO. It leads to multiple visits to be made to the PIO office for submission of an RTI application.

3. Lack of assistance by the Public Information Officers in filing the application

In a country where literacy rate is as low as 77%, it is imperative for the authorities to assist people in exercising their right but that is not the case as found by the survey. This reveals that process of RTI application submission has not been designed keeping in view the needs and convenience of the citizens.

4. Standard forms for RTI application and PIO's Replies

While the Act does not necessitate having a standard application form, there are significant advantages of using a standard form for an RTI application, such as:

- The standard form helps in getting basic information which helps the PIOs (Public Information Officer) in providing the requisite information and contacting the applicant for communication required.
- If basic information is available, it is helpful for the Public Authority to identify the nature of frequent information requests so that it can be provided as a suo-moto disclosure
- Only two states i.e. Maharashtra and Orissa have prescribed a standard form.

5. Issues related to information provided

- Poor quality of information provided:** Majority of the respondents said they were dissatisfied with the quality of information being provided in response to their application which is most of the times incomplete and inaccurate.
- Issues with collation of information:** Some applications require the PIOs to do a collation and analysis of data for past 10 years or more. However 89% of the PIOs said that they did not use the provision for inspection of records. If trained properly, the PIOs can provide an option to the citizens to inspect the records. This may help in providing timely and accurate information to the applicant.
- Failure to provide information within 30 days** due to inadequate record management procedures with the Public Authorities. This situation is further aggravated due to non-availability of trained PIOs and the enabling infrastructure (computers, scanners, internet connectivity, photocopiers etc.). There is lack of any electronic document management system in any of the Departments (based on Survey). Majority of the PIOs surveyed do not even maintain the list of RTI applications electronically
- Training, transfers and low motivation levels** among PIOs: The training of PIOs is a big challenge primarily due to huge number of PIOs and frequent transfers of PIOs to other posts. Training institutions also pose a huge constraint with respect to the availability of training resources. There are a large number of non-profit organizations, which are carrying out the trainings in official/ un-official capacities – these are untapped resources which could be utilized for capacity building.

The SIC of Maharashtra in its 10th Report clearly stated that-

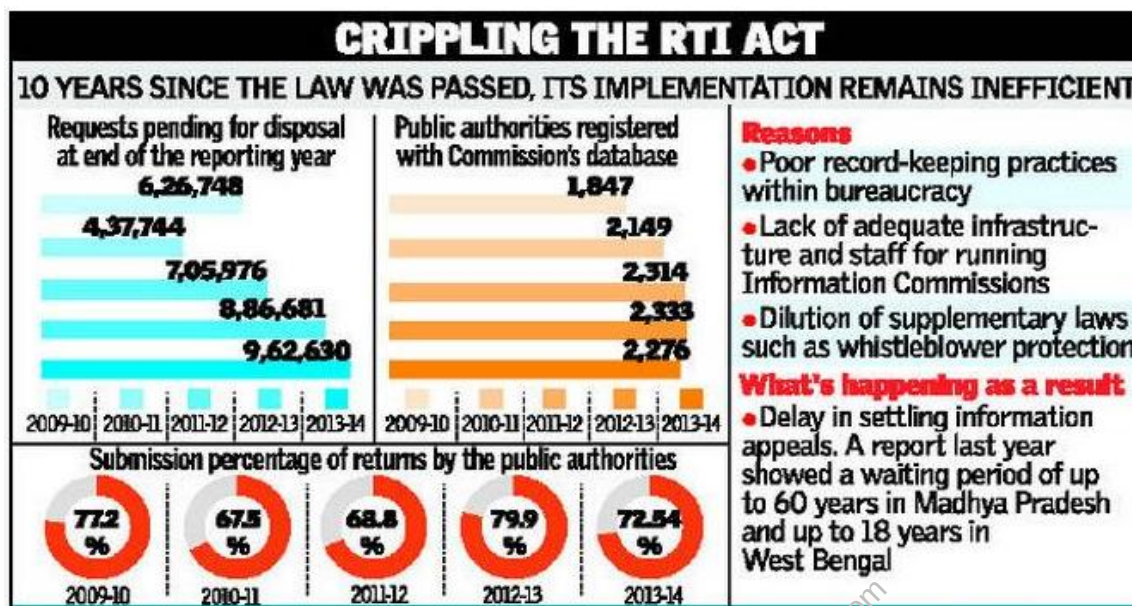
'It is observed that majority of the PIOs and AAs are ignorant on how to deal with RTI applications or how to provide information. Also, the orders of the AA are often ignored'

RTI users have often complained about denial of information on frivolous grounds. The main cause of the problem is the increasing number of PIOs and AAs in the government offices. When the Act was first introduced, there were fewer PIOs and AAs, and most of them were senior officers who implemented the Act seriously. Now, the number of PIOs and AAs has increased, which has taken a toll on the quality of implementation of the Act.

Further, the often-misused sections of the RTI Act by the public authorities are Section 6(3) and Section 7(9).

Section 6(3) says that if a public authority receives a request for information which is held by another public authority, “the public authority, to which such an application is made, shall transfer the application or such part of it as may be appropriate to that other public authority...” Some authorities pass the buck by using 6(3) without going through their own records.

Section 7(9) says that, “information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question...”



In addition to the issues pointed out in this survey, it has been found that RTI activists face life threats from the powerful against whom information is sought. Such environment of intimidation against people seeking information pull them back and dilute the whole purpose of RTI Act 2005.

Further, **Ineffective record management** system and collection of information from field offices leads to delay in processing of RTI applications. Most significantly the practice of cataloguing, indexing and orderly storage is absent, which is critical for quick-turnaround in case of information request under RTI Act. Even when records are stored, retrieval of intelligible information is a challenge. It is perhaps because of this situation that there is a tendency to give bulk unprocessed information rather than relevant and pertinent information.

The public authorities sometimes lack basic infrastructure also. Implementation of RTI requires the PIOs to provide information to the applicant through photocopies, soft copies etc. While these facilities are considered to be easily available at a district level, it is a challenge to get information from Block/ Panchayat level.

What the RTI Act has managed to achieve in the last decade is to unleash a silent citizen's movement for government accountability across the country. The RAAG (RTI Assessment and Analysis Group) report found that on an average, 4-5 million applications are filed under the Act every year. But this has not been without its negative consequences. Forty activists who had demanded crucial information, with the potential to expose corruption within the government, had been killed. This has necessitated supplementary laws such as whistleblower protection laws to ensure protection for information activists.

But the Whistleblowers Protection (Amendment) Bill, 2015, has renewed concerns regarding the vulnerability of information seekers making disclosures in the public interest. The original intention of the whistleblower protection law was to protect citizens disclosing information regarding wrongdoing in the larger public interest. The amendments seem to have diluted this. The amendments do not provide immunity to whistleblowers, making them liable for prosecution under the Official Secrets Act.

The Bill dilutes the provisions of the earlier law removing everything exempted under Section 8 (1) of the RTI Act from within the ambit of whistle-blowing and hence, now there is a blanket ban on disclosures containing sensitive information.

RTI is an instrument of improved governance. It demands proactive steps by the Civil services to improve systems and procedures for ensuring better delivery of public services and should not be seen as an intrusion or obstruction to decision making.

3.5. Harnessing Potential of RTI

The Right to Information law of 2005 signals a radical shift in our governance culture and permanently impacts all agencies of state. The effective implementation of this law depends on three fundamental shifts:

- From prevailing culture of secrecy to a new culture of openness;
- From personalized despotism to authority coupled with accountability; and
- From unilateral decision making to participative governance

These shifts largely depend on the institutions, traditions and practices, changes in laws and procedures, and adequate participation of people and the public servants. The public authorities must be sensitized towards *suo-motu* disclosure of correct information. Change in attitude is required among the public servants to shed their colonial mentality of secrecy. The government should work on the principles of maximum disclosure and officials must feel obligation to publish information.

The public bodies should utilize innovative mechanisms for promoting open government. They must facilitate access to information. Their meetings should be open to the public. The requests for information should be processed rapidly and fairly and an independent review of any refusal should be available.

The individuals should not be deterred from making requests for information. Also, safe and secure environment must be ensured for the RTI activists and whistleblowers. It is important to entrust confidence in public over the exercise of the RTI.

The Second ARC reached the conclusion that the Official Secrets Act, 1923 is antiquated and unsuitable to emerging need and therefore, it should be repealed, and substituted by a chapter in the National Security Act, containing provisions relating to official secrets. States should set up independent public grievances redressal authorities to deal with complaints of delay, harassment or corruption.

It must be noted that along with freedom comes the responsibility of its judicious use. That is why our Constitution incorporates Fundamental duties along with the Fundamental rights to the citizens. Though it is true that the Right to Information is a strong instrument in the hands of common people to fight corruption and mis-governance, however it must be used with caution and non-serious applications should be avoided.

Also, information can be used by anti- social elements to create disharmony in the state of affairs of the country and create a sense of mistrust and despair among the stakeholders that can be very discouraging and harmful. Thus, adequate checks and balances are required to be built to ensure that this right or the information got by exercising the right is not misused to attack the integrity and sovereignty of the nation in any sense.

4. National Data Sharing and Accessibility Policy 2012

There are various ministries, organizations and institutions of Government of India, who collect huge amount of data related to their respective fields using public funds. Most of the times, this data is not accessible to the civil society. However, the data collected or developed through public investments, when made publicly available, their potential value could be more fully realized, and it could enable rational debate, better decision making and use, in meeting civil society needs.

It is for this reason that NDSAP policy was formulated by government of India.

Objective

It aims to empower citizens to access information owned by the Government in human- as well as machine-readable forms, permitting wider accessibility and use of public data and information, keeping in view the broad guidelines delineated in the RTI Act, 2005. The policy is applicable to all sharable, non-sensitive data, generated using public funds by ministries, departments, subordinate offices, organizations and agencies of the Government of India.

Benefits

- **Accessibility:** Ready access to government owned data would enable more extensive use of a valuable public resource for the benefit of the community.
- **Cost effectiveness:** By sharing data the need for separate bodies to collect the same data will be avoided resulting in significant cost savings in data collection.
- **Inter-operability:** By adopting common standards for the collection and transfer of data, integration of individual data sets may be feasible.
- **Accountability:** The identification of owners for the principal data sets provides information to users to identify those responsible for implementation of prioritized data collection programs and development of data standards.

Data and information facilitate making important decisions without incurring repetitive costs. Ready access to existing valuable data is essential for many decision-making tasks such as protecting the environment, development planning, managing assets, improving living conditions, national security and controlling disasters.

5. Leveraging e-Governance for Transparency

E-Governance implies use of the Information and Communication Technologies (ICT) to aid the public service delivery. Electronic governance or e-Governance is to ensure transparency and better services to the public. It disseminates information through an efficient, speedy and transparent process to the public and other agencies and performs government administration activities. The government is committed to democratize information and in this regard building a unique public information infrastructure will be the prime necessity in the country. This infrastructure will leverage ICT to revolutionize our current governance and service delivery paradigm. Following are some of the initiatives by the government for the same:

1. Social Media

Social media provides avenues to improve governance. It provides easy publication and rapid spread of information. By doing so, it creates transparency that can strengthen citizen goodwill towards government. For citizens, by embedding government information in social media provides hitherto unimagined access to government and the means to connect in real time. While opening access to government and its officials, it creates new possibilities for community driven initiatives. For government, it offers the ability to rapidly poll public opinion and perhaps more importantly, forecast broader, societal trends.

The civic and metropolitan authorities have started using social media in order to interact with the public. In some cases, feedback from the public is sought for minor changes in localities. For example, Delhi and Bangalore Police are active on Twitter and Facebook. The Municipal Corporation of Delhi's Facebook page accumulated more than 1500 complaints, most of which were resolved on priority.

However, there is a dark side to this as well. Recently, the New York Times reported instances where transparency led to 'fake news'. Facts are facts but they are open to interpretation. The case of Cambridge Analytica (a British political consulting firm, since shut down), which used extensive data mining and analysis with strategic communication to mould and influence public opinion is case which calls for a balance between privacy and openness for the citizens. The same argument can be extended to secrecy and openness in the governments.

2. National e-Governance Plan (NGeP)

The plan seeks to apply ICT for making '**Simple, Moral, Accountable, Responsive and Transparent**' (SMART) governance. It takes a holistic view of e-Governance initiatives across the country, integrating them into a collective vision, a shared cause.

E-governance strengthens transparency and accountability in the governance system. All the information of the Government is made available on the internet. The citizens can access the information whenever they need to. ICT helps make information available online reducing the prospects of concealing of information. Once the governing process is made transparent the Government is automatically made accountable.

However, e-Government is not about 'e' but about 'government'; it is not only about computers and websites, but about transformation of government, modernization of government processes and functions and better public service delivery mechanisms through technology so that government can be put on an auto-pilot mode.

3. Government e-Marketplace (GeM):

GeM is a Special Purpose Vehicle that aims to enhance transparency, efficiency and speed in public procurement by facilitating online procurement of common use Goods and Services required by various Government Departments / Organizations / PSUs. It provides the tools of e-bidding, reverse e-auction and demand aggregation to facilitate the government users achieve the best value for their money.

Transparency International (TI) has recommended the following to make e-governance more effective:

- Computerization of all the public dealing departments including the Police, Judiciary, transportation and registration of properties.
- Introduction of e-Procurement in all public procurements and contracts.
- Introduction of 'Touch Screen System' showing pictures to avail particular service.
- Replication of 'LokVani'¹ software for redress of public grievances.

¹Lokvani is a public-private partnership e-Governance programme which has been initiated with the combined efforts of both the district administration as well as the National Informatics Centre. It is an outstanding example of a highly cost-efficient, economically self-reliant and user financed community network. The primary objective of the IT solution is to bridge the digital divide and "connect" the common man to the strategy makers in a seamless fashion. Lokvani stands out amongst all other e-Governance projects as it symbolizes the success of the concept of e-accountability, the next step of e-Governance. While other e-Governance efforts are limited to serving the citizens by providing existing services electronically, Lokvani goes beyond that and makes government functionaries accountable to the citizens.

- Strengthening the infrastructure of governance and enhancing awareness about e-governance.

Thus, e-Governance is considered an effective tool for improving governance.

6. Conclusion

To sum up it would not be wrong to say that **Public information belongs to the public and the public's business should be done in public. Also, it has to be ensured that Public functionaries be allowed to function in a free environment without fear of being prosecuted for their decisions taken in good-faith in public interest.**

RTI as a double-edged sword: RTI has its limitations in a democracy. An enlightened citizenry should use RTI as a means to strengthen democracy and not to obstruct the functioning of the state. RTI requires an environment conducive to its operation. It needs supporting institutions as well as governance system, otherwise, leaks from the system may create a situation of anarchy and undermine the legitimacy of the state.

Relevant, timely, and accurate information is a critical element to achieve public good and is essential for a well-functioning democracy. All of the strategies discussed above seek to improve governance through greater democratic participation and civic engagement. As stewards of our democracy, government leaders must facilitate better access and use of information and the means for interpretation to enhance the common good. Open government initiatives offer an exciting step forward to make it easier for the public to know what governments are doing, participate in the decision-making process and fully engage in the civic life of their communities. ICT and Internet will continue to enhance these critical elements of our information democracy as more citizens become informed and equipped to participate fully in the formation of public policy along with several other accountability measures.

There exists much scope of improvement as the benefit and adoption of the framework is yet to achieve its intended potential. The reluctance of government officials, an inadequate framework of financial independence and a general lack of awareness among citizens are the oft-quoted reasons for hampering effective participation of civil society in planning and decision-making. However, there is always a silver lining and the people have started asserting their right and taking responsibility for their community and nation more assertively, forcing governments to listen to their voices and act in accordance to that.

7. Previous Years Vision IAS GS Mains Questions

1. ***For effective public service delivery, the need today is to move from traditional accountability mechanisms to social accountability through greater civic engagement. Discuss with examples.2016-3(B)-747***

Approach:

- Explain social accountability in brief.
- Contrast it with traditional accountability and elaborate its advantage.
- Give some examples.

Answer:

Government business is so wide and complex that a check is needed upon its powers and activities. Accountability ensures actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction. This check is

provided by various accountability mechanisms. Traditional accountability mechanisms include legislative control, administrative control, judicial remedies, departmental hierarchies, vigilance mechanisms etc. However, such checks are generally of post hoc nature and less effective at the cutting edge level. This impacts the service delivery quality.

World Bank defines social accountability as an approach towards building accountability that relies on civic engagement, i.e., in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability. It involves the stakeholders like citizens, civil society, NGOs and others at various levels who engage in monitoring or evaluating a particular project, programme or policy, share control over the resources, provide feedback and take corrective actions when needed. Thus it mobilizes citizens at the local level to demand better services thus making the services more effective and economic as well. It brings in good governance while giving the community a sense of participation, ownership and empowerment.

Some examples of social accountability as implemented in various places include:

- Participatory Planning and Policy Formulation (Kerala, Brazil, Bangladesh);
- Participatory Budget Analysis (Gujarat);
- Participatory Expenditure Tracking System (Uganda, Delhi, Rajasthan);
- Citizens' Surveys/Citizen Report Cards (Bangalore, Maharashtra, Ukraine, Philippines, Pakistan);
- Citizen Charters (Andhra Pradesh, Karnataka); and
- Community Scorecards (Malawi, Maharashtra, Andhra Pradesh)

It has been well established that social accountability mechanisms can contribute to **improved governance, accelerate development, and create effectiveness through better service delivery and empowerment**. In addition to these methods and tools, many more exist such as **campaigns for electoral reforms, public interest litigation, social audits, independent evaluation** and so forth. At state level often janta durbar and mohalla sabha are organized to involve citizens more actively.

These initiatives are more effective when state's accountability mechanisms are transparent and citizen engaging. More importantly they ensure that a bottom up, demand driven approach is followed which ensures that grass root problems are effectively addressed. They have helped to bring in transparency, time bound service delivery, public participation at the stages of policy formulation, implementation and review, increased prudence, improving last mile outreach and brought a change in the attitude of bureaucracy.

2. Evaluate the success of RTI in bringing governance reforms in the country. Examine whether it has served the purpose it was meant for.

Approach:

- Highlight the effects of RTI in improving governance, enforcing ethics in administration and empowering the people.
- In the next part, discuss the challenges faced in its implementation.
- Conclude with some suggestive measures.

Answer:

The RTI Act has completed 10 years, and there are at least 50 lakh RTI applications being filed annually. Despite all complaints about poor implementation, people have

owned the law like no other. Perhaps it is the real empowerment and sense of hope that the RTI offers to every Indian citizen.

Achievements

- The RTI has spawned a new breed of activism and citizenship, as it has begun to encourage a culture of asking questions. Information on issues related to public distribution system, privatization initiatives, pensions, road repairs, electricity connections, telecom complaints etc. have been sought by people through the RTI.
- It is a strong deterrent against wrong doing in officialdom and thereby a potent tool to reduce corruption.

Though the legislation has certainly brought **increased transparency** in public bodies, however, **accountability** has still not commensurably increased.

- A vast number of organizations that should have been covered under the definition of “public authority” have not come forward pro-actively to be covered by the Act.
- Poor quality of information is provided, which forces the applicant to go on appeal. In many cases the information is not provided within 30 days. This kills the motivation to use the law and also increases the burden on the law enforcement institutions.
- It has been seen that there is lack of attitudinal change on the part of PIOs and bureaucrats, as they generally invoke the Official Secrets Act to deny the information. Thus, there is merely legal change without corresponding attitudinal change, which effects the efficacy of the act. Lack of values of transparency, responsiveness and accountability are also seen on the part of public servants. Ineffective implementation of Section 4(1)(b), which calls for pro-active suo moto disclosure of information has also been an issue.
- Lack of political will to enforce the law as is evident in attempts to dilute the Act and not adhering to the order of Central Information Commission on applying the Act to political parties has also been witnessed.
- There is still low public awareness regarding the RTI

Way forward

- Issue clear user guidelines along with spreading awareness to encourage people to use RTI.
- Impart attitudinal training to the PIOs and bureaucrats.
- Empower the Central and State Information Commissions to enforce their orders. They should also be provided with adequate man power and infrastructure to review the implementation of the Act and take corrective actions.
- The focus should be on pro-active disclosure of information.
- Apart from technical training the public servants must also be given training in values, as highlighted by Nolan Committee on standards in public services.

3. *Ensuring accountability in the administration just adds another layer in the bureaucratic process. Examine. Differentiate between accountability and responsibility. Suggest some measures through which administrative accountability can be made more effective in India.*

Approach:

- Give the definition of accountability. Discuss the reasoning behind the assertion given.
- Differentiate with responsibility in administrative and moral terms.

- Mention some recommendations from ARC to make administration more accountable.

Answer:

Accountability means to take ownership of the outcomes of an action and address the issues arising out of it fairly and promptly. Thus, it involves two parts: *answerability* as well as *enforcement*. Sometimes, transparency, which is the first step to extract accountability, is also included.

It is argued that accountability compromises efficiency by adding another bureaucratic layer:

- The officers spend their time in maintaining records or answering RTIs etc., which can otherwise be utilized to perform executive tasks.
- It makes them status quoist in their conduct. They may stop taking decisions for fear of public scrutiny.

However, accountability is one of the cornerstones of good governance. Evaluating the effectiveness of public officials/bodies ensures that they are performing to their full potential, providing value for money in the provision of public services, instilling confidence in the government and being responsive to the community they are meant to be serving.

An office which is accountable demonstrates commitment and sincerity to duty and is focused on achieving outcomes despite setbacks. It maintains a strong focus on the priorities and swiftly responds to changing requirements.

Difference between Accountability and Responsibility:

- In administrative parlance, responsibility refers to being in-charge of certain duties which are expected to be performed by virtue of being in a certain post/position. Accountability is one step ahead. It includes answerability, i.e. being liable for the outcomes achieved due to performance of the duty. Therefore, accountability can be held on to a person only after the task is done.
- For e.g. – A judge is responsible for delivering a judgment, but is not accountable if the outcomes are not as expected. A DM is both responsible as well as accountable for ensuring compliance with RTE in her district.
- In individualistic terms, responsibility can also refer to what one expects of oneself or the others. To be morally responsible for something, is to be worthy of particular kind of reaction, such as praise or blame in pursuance of the act.
- For e.g. helping a destitute is a responsibility of the affluent and empathetic. However, they cannot be held accountable for not helping them. They can be condemned, if one wishes so.
- Also, responsibility can be delegated but accountability cannot be.

Ensuring effective Accountability:

- Protection of Whistleblowers through legislation.
- Social Audits by local communities, NGOs can enhance accountability in public service delivery, for instance in MGNREGA.
- Using Information and Technology: electronic service delivery mechanisms and maintain digital records can revolutionize accountability.
- Encouraging Citizen's initiative: e.g. RTI being accessible in local languages.
- Promoting Competition and discouraging monopolistic attitude among public service sectors.

4. For the success of Right to Information (RTI), a major challenge is to develop capacities for access to information. Discuss. How can the capacities of both public authorities and citizens be enhanced?

Approach:

- The aspect related to capacity of public authorities should focus not only on physical infrastructure but also human resources.
- Second part should focus on promoting information literacy and using various agencies like NGOs and the information technology tools for this purpose.

Answer:

Right to Information Act provides a broad framework for Government and Citizens' interface to design and monitor relevant projects, contain corruption, ensure accountability and to mutually share the responsibility for development. Under the Act, the public authorities are required to adopt open and transparent procedures and methods of delivery of services. Democratisation of information and knowledge, by way of creating conditions for sharing among the people, who are partners in development, is critical to the task of equalising opportunities for development.

- A major problem in access to information has been poor record keeping in government departments. There is a lack of proper Information Management System (IMS). Hence there are delays in retrieval of information resulting in problems in the implementation of the Act.
- Even if IMSs are in place, the employees are unaware of how to operate them for faster retrieval of information.
- The problem is further compounded by citizens asking for irrelevant information or sometimes asking for information that is already there in the public domain or is prohibited under the law.
- They are also unaware of the format in which to seek information as well as who to contact for the information.

So, the capacities of both the public authorities and the citizens have to be enhanced and for which a two pronged strategy would be needed.

First, a comprehensive information management system (IMS) should be developed by each public authority for storage and retrieval of data and information that may be shared with anyone who seeks to inspect and use the information for development purposes. Not only the institutional capacity but also the individuals associated with various public activities should also be trained and equipped with facilities to cope with the demand for sharing of information.

Second, in order to properly manage the demand for information from the NGOs, in general, and the citizens, in particular, a concerted effort would be needed to create mass awareness among the people to promote information literacy. A multimedia approach should be adopted to educate and train people as to how to decide and select what information should be sought for and that from where and how? Besides, they should be educated as to how to make best use of information for effective participation in economic and political processes.

The issue of promotion of information literacy among both educated and not so well educated citizens is critical, because the people and the government functionaries share the responsibility of expediting the process of development. Accordingly, under Section 26 of the Act, provisions have been made for advancement of understanding of the public through education and training programmes. The potential of IT resources and widespread educational institutions of all types and levels should be exploited to promote information literacy.

5. ***In framing a government, which is to be administered by men over men, the greatest difficulty lies firstly in enabling the government to control the governed; and in the next place to oblige it to control itself. Comment w.r.t. accountability of public service in India.***

Approach:

The answer first needs to elaborate on the statement, which talks about the complex and complicated environment in which the public administrators have to work. The next part should focus on the obligation of the government to control itself. The concept of internal accountability should be clearly highlighted. Illustrate above points with examples.

Answer:

If men were angels, no government would be necessary. If angels were to govern men neither external controls on government would be necessary. Dependence on the people is no doubt the primary control on the government but experience has taught mankind the necessity of auxiliary precautions. Therefore, it is the duty of the government to create such structures, institutions and procedures to which can ensure effective law and order in the society.

On the other hand, the challenges of discretion and accountability are real for any government to deal with. While in India, there are notions of vertical and horizontal accountability inbuilt along with the internal and external mechanisms to curb the powers of the administrative state, their operation in the last 60 years has shown that most of the mechanisms have been breached rather than being followed.

In the current era, though the external accountability mechanisms such as social audit and citizen charter have become the norm because of an informed citizenry and vibrant participation by the civil society, yet the internal accountability mechanisms such as performance appraisal lack objectivity and motivation to act as an instrument of ensuring responsibility. e.g Institutions internal vigilance committees have been constituted for the purpose of checking the abuse of power, yet they are marred by the same rules and procedures and ensuring accountability seems like of a distant dream.

Scams and scandals such as fodder scam, 2G scam, and the recent coal scam talks vehemently, not only about the lack of the institutional mechanisms to check such acts but also the wider apathy towards practice of ethics in real life.

The solution lies in inculcating the values in the society as the government is a wider reflection of the society in a democracy. Unless the citizens' own moral code prevents them from debasing by procuring corruption of public servants, the problem of corruption and morality in the public life will continue to exist. It must be recognized that the onus for good government is not just on those in the public service, but it is on every citizen.

6. ***There seems to be a fundamental contradiction between effectiveness and accountability. Comment. Why is accountability a necessary evil for good governance? Discuss.***

Approach:

In first part of the answer discuss, why this debate exists in administration with relevant examples. Second part of the answer should focus on why accountability is a necessary condition to ensure good governance and final part of the answer should

focus on the fact that accountability and effectiveness can exist together and this should be the desired outcome.

Answer:

Accountability is the obligation of an individual or organization to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner. It also includes the responsibility for money or other entrusted property. Accountability therefore checks the abuses of power such as corruption, fraud, the insolence of office, arbitrary and unauthorised exercise of authority, violating rights and neglecting duties. Most importantly, while the measures of effectiveness keep continuously changing, accountability is a universal and perpetual virtue in governance.

Effectiveness is the degree to which objectives are achieved and the extent to which targeted problems are solved.

It is viewed that greater focus on accountability hampers effectiveness. Effectiveness requires wider managerial discretion while accountability calls for tighter central control. It has been advocated that an attempt to increase transparency and public participation will invariably result in delay in decision-making and promote risk aversion resulting in a compromise on effectiveness.

However, this view of effectiveness is short-sighted.

- Decisions taken through bypassing clear and transparent procedures seem to be effective in short run but such decisions suffer backlash in many cases. For example, in the case of involving construction of dams, not eliciting public opinion or providing for rehabilitation and resettlement will ultimately result in protests leading to delays in implementation. Hence, a short compromise on accountability may seem to be effective in many cases it can very well hamper the same effectiveness in long run.
- Accountability also checks the abuse of power such as corruption, fraud, the insolence of office, arbitrary and unauthorised exercise of authority, violating rights and neglecting duties.
- Most importantly, while the measures of effectiveness keep continuously changing, accountability is a universal and perpetual virtue in governance.

Further, accountability and effectiveness are not contradictory, but may act as complementary to each other. For example, the use of e-governance has been very effective in citizen services delivery and has also provided an impetus for social and industrial sector along with maintaining the accountability of government departments. Effective use of right to information, citizen charter etc. ensures transparency in governance and checks the menace of corruption and abuse of power. Thus it could be very well said that both accountability and effectiveness are an integral part of good governance and its utility should be seen w.r.t. the results produced in the long run.

7. ***"One of the penalties for refusing to participate in politics is that you end up being governed by your inferiors". Explain. Suggest some measures that can be taken to increase political participation in our country.***

Approach:

The quote gives the perspective idea of vital need for political participation to uphold the superior political values. Accordingly answer can be framed in following manner:

- First part of the answer should explain the given statement and highlight the need for good people in politics.
- Second part should suggest the ways to increase the political participation in the country.

Answer:

When the ruler himself is right, people naturally follow him in his right course. If governance is by men who are derelict, the governed will suffer. If one refuses to participate in politics, he is virtually paving the way for others, perhaps the less able persons to govern him. If people with virtues decline to participate in politics, people with criminal background and apathetic attitude towards public good get the chance to sit atop the political hierarchy. This may create further aversion for politics among masses. He, who administers government by means of his virtues, may be compared to the Pole star, which keeps its place and all other stars turn towards it. He can make the governance more ethical, more effective and inspirational.

Some of the measures that can be taken to increase the political participation:

- Electoral reforms to curb the use of muscle power can encourage women to participate in electoral politics.
- Electoral reforms aimed at curbing excessive use of money power may generate more chances for the disadvantaged to compete with the rich in electoral politics.
- Women quota in Parliament and assemblies may be a big push for greater participation of women in politics.
- Making political activities more ethical and working of political parties more transparent can transform the public image of politics as business and decrease the aversion among masses. Political parties should allow themselves to be covered under RTI Act.
- Inter-party democracy should be promoted to give a greater say to party workers and party leaders. It may make workers more aware and active. Difference of opinion should be respected to allow the sense of democracy to prevail.
- The 2nd ARC has recommended a code of ethics for MPs, MLAs and Ministers. This recommendation must be adopted to infuse ethical values among our politicians. Ethical politics may become an attraction for youths.
- There should be proper and effective legal mechanism in place to punish the erring politicians and encourage the virtuous ones.

8. *What is social accountability? How can it act as a more effective mechanism than the conventional methods of extracting accountability? What steps can a civil servant take to improve the effectiveness of social accountability in India?*

Approach:

The basic theme of the question is "social accountability: its relative efficacy and how it can be ensured". Accordingly, the answer can be framed in following manner:

- Explain Social Accountability.
- List the conventional methods of accountability. Compare social accountability with these, clearly bringing out why social accountability is better than them in extracting accountability. Cite some relevant examples.
- Suggest some steps that in the capacity of a civil servant you can take to improve the social accountability.

Answer:

In the context of Civil services, accountability refers to obligation on the part of public officials to report on the usage of public resources and answerability in respect of the performance of the task entrusted to them. Traditional accountability mechanisms include internal accountability mechanisms like departmental hierarchy etc. and external mechanisms like CAG, CVC, Lokpal etc.

Social Accountability is a step forward involving public as a stake-holder in administration. World Bank defines it as “an approach towards accountability that relies on civic engagement i.e. in which ordinary citizens or civil society participate directly or indirectly in extracting accountability.” It underlines both the rights and responsibilities of citizens to expect and ensure that the government acts in public interest.

Conventional accountability mechanisms rely on government agencies to extract accountability. Internal mechanisms like departmental hierarchy are prone to biases, favoritism and quid pro quo. External mechanisms have had a checkered history. CVC, Lokayukta etc. owing to political interference and lack of necessary autonomy have not proven to be too effective. At the same time judiciary and CAG have performed much better. Moreover, conventional methods don't involve public in defining standards and methods of accountability. Also, conventional methods are of post-hoc nature i.e. they can look into the propriety of the actions of officials only after they are done. Thus, the wrong has already been committed and the loss to the exchequer has already occurred.

- By involving citizens in monitoring performance, demanding and enhancing transparency and exposing government failures and misdeeds, social accountability mechanisms are potentially powerful tools against public sector corruption. Thus, it improves service delivery quality.
- In addition to improved governance, it also empowers citizens. Empowerment in this context stands for a person's capacity to make effective choices into desired actions and outcomes. Mechanisms like participatory public policy making, public expenditure tracking and citizen report cards empower citizen by making them a part of decision making which would have otherwise not been possible for many.
- They also help to minimize the chances of failure of a decision as they involve the stakeholders and decisions are taken by consensus. Thus, it is a tool to strengthen democracy in an age when decentralization and delegation of powers to grass root has proved to be the key to effective development.

Civil servants can take the following steps in improve the effectiveness of social accountability:

- Social Accountability mechanisms are most effective when they are institutionalized. Ideally it can be done through a law. However, civil servants at their own level can devise mechanisms to engage and organize citizens and civil society.
- Relevant data/information must be interpreted and analyzed in order to be rendered operationally useful. This would be useful in producing meaningful findings that can be used in dialogue with stakeholders.
- For enabling social accountability, dissemination of information and public debate around them must be encouraged.
- Informing citizens of their rights and also responsibilities, which improves social accountability.
- Capacity building of citizens should be done through the use of NGOs, active civil society organizations etc.

- Ensuring that the response of citizens is duly incorporated in decisions and execution of those decisions by reporting officials is regularly monitored, so as to build a relationship of trust between citizens and officials.

9. How does the use of social media influence political participation and civic engagement? Discuss with examples.

Approach:

- Define social media and its types in brief.
- Using examples bring out how social media is being increasingly used in political participation and civic engagement.
- Conclude along with pointing the positive and negative aspects of both.

Answer:

Social media can be define in general terms as a web-based communication tools that enable people to interact with each other by both sharing and consuming information. Social media platforms, such as Twitter, Facebook and YouTube provide new ways to stimulate citizen engagement in political life, where elections and electoral campaigns have a central role.

Influencing political participation

- Various social media platforms such as Facebook, Twitter, Instagram, Google plus etc. were used for various objectives in electoral process like general awareness, propaganda by respective parties, track general trends of people's mindset etc.
- Election Commission also have used such platforms to increase the awareness about some basic issues and information concerning to a voter such as, procedure of voting, important documents required at the time of voting, geographical location of election booth etc.
- In 16th general election in India social media played a vital role. Politicians have taken part in Google+ Hangouts, televised interviews organized by Facebook and using smart phone messaging app Whats App to connect with millions of tech-savvy urban voters.
- Companies like Facebook, Twitter, and Google etc. had started several features in their own websites homepage, specifically made for the purpose of General Election-2014 for example Tech giant Google has revamped its election hub to include features like Pledge to Vote campaign, a 'Google score' tool for politicians, search trends info graphics, YouTube election playlists and Hangout details for users.

Using Social Media to Increase Civic Engagement:

Citizen participation and civic engagement are the building blocks for good governance and social media play important role in this such as

- Social media platform can act as a vital tool for ensuring accountability by not only airing the grievances of the general public but also disseminating information regarding government programmes and activities.
- It could act as a bidirectional feedback providing mechanism highlighting the achievements and pointing to shortcomings in real time
- Example being help provided during Chennai floods and active usage of Twitter by the railway ministry

- In India, Prime Minister Office has used social media as a potent tool to engage people in the governance process by asking for their suggestions, providing information for several government welfare programmes and policies etc.
- Social media platform is acting as a vital tool for increasing transparency in government functioning and holding the mighty state responsible for its acts not only in urban areas but in any part of the nation.
- Disaster management through social media has been proved a better tool to involve active participation of communities during crisis.

While social media empowers citizens by giving them a voice, it is also an unregulated medium where false and defamatory views are sometimes expressed, which may create law and order problem in the society. Further, its misuse has led to tension in communally sensitive places as has been seen in the case of India.

In a nutshell, social media can be used by Government agencies as a mechanism to solicit response on policy planning, flaws/drawbacks in implementation thereby helping the agencies becoming more citizen friendly.

10. RTI is termed as a master key to good governance. Highlight the role of RTI in making the administration and governance of our country more ethical and responsive.

Approach:

- Few lines of introduction to RTI as a key to good governance
- Then its role in making administration and governance more ethical
- Then separately its role in making them more responsive

Answer:

RTI has been termed as a master key to good governance by second administrative reform commission as it ushers in an era of transparency, openness, participatory democracy and people centered governance. It has brought a significant shift in our administration and governance culture.

Its role has been important in making the administration and governance of our country more ethical owing to the following:

- **Creating indirect pressure on officials and politicians** because of the possibility of its usage by RTI activists to question their actions. Thus, it promotes transparency and a continuous accountability of administration and government for their decisions unlike the ballot box accountability.
- **Improves citizen's trust** in government agencies and its functioning – A recent of fast tracking of disbursement of pension dues with interest on filing an RTI application regarding the same to the Western Railway signifies the importance of RTI in bringing justice to the weaker sections
- **Containing corruption** – RTI has helped in unearthing some of the biggest scams in our nation like 2G scam, coal scam etc.
- **Eliminating nepotism** - In 2013, an RTI-based investigation showed that many MPs had employed close relatives like fathers, children, spouses as their 'Personal Assistants' to keep the sanctioned allowance within the family and many had employed personal staff in violation of norms prescribed by the DoPT. The reports prompted the Rajya Sabha Ethics Committee and the government to intervene and put an end to such practices by ministers.

It also has big role in increasing the responsiveness of the system in the following manner:

- **Timely accessibility to information** – The act calls for keeping information in an organized manner, keeping records up to date and ensure proper storage & timely retrieval. It also increases responsiveness as the time cut on gathering the records is reduced
- **Better participation of citizens** – Citizens can contribute in decision making in a better way with all the facts in their hands. It has started a culture of asking questions in the citizens.
- **Increasing transparency** has become the norm. The government's decision for e-auctioning of mines and spectrum signifies the change that has begun to creep in the governance and administration of our country

The more than 45 RTI users who have been killed bear testimony to just how much the act threatens vested interests. It has become the most potent weapon in the hands of the weak against arbitrary power of the state.

11. ***Should a person resort to leaking of information in case of wrongs done in the organization? Does it cause a conflict of interest between the personal, organizational and societal spheres? Discuss with examples.***

Approach:

The question has two subparts:

- In the first part of the answer, discuss the ethicality of leaking information in case of wrong happening in the organization.
- In the second part, clearly mention the issue of conflict of interest from personal, organizational and societal point of view. Substantiate your answer with relevant examples.

Answer:

An employee possesses prima facie duties of loyalty and confidentiality to their employers and that leaking information cannot be justified except on the basis of a higher duty to the public good.

However, it is important to recognize that in any relationship which demands loyalty works both ways and involves mutual enrichment. Hence, employee holds the obligation only when the organization is not cheating the employees in return for their selfish needs

The first step of action should be to attempt to reintroduce the system of checks and balance in the organization.

Leaking information should be taken as the last resort when all other avenues have exhausted.

Conflict of Interest

The employee may feel a moral duty to expose any serious misconduct, dishonesty, or illegal activity that he discovers in an organization, especially when such conduct directly threatens the public interest.

It takes a huge amount of bravery to leak information as the list of negative consequences to this act includes broken promises to fix the problem, disillusionment, isolation, humiliation, loss of job, questioning of the whistleblower's mental health,

vindictive tactics to make the individual's work more difficult and/or insignificant, assassination of character, formal reprimand, and difficult court proceedings.

The person is divided between loyalty to their employer and their moral commitment to the law and society at large. They have strong reasoning that the work that they are doing is subversive to their personal as well as public intents. They feel cheated by the firm thinking that this is not what they intend to do.

Leaking information is driven by self-interest, altruism and strong moral attitude towards the cause. As the personal cost of leaking information is very high, including legal battles separation, the person must feel strongly about the cause. They take personal responsibility when they feel that legality and morality are beginning to separate and public interest is suffering in the process.

There should be independent agencies staffed by civil liberties where the whistleblowers can report the cases without hesitation and can be ensured an unbiased investigation.

- 12. Adhering to high standards of transparency is often in conflict with the duty towards maintaining confidentiality. With examples, elaborate on the problems faced by public servants in effective discharge of duties during such situations. Also, discuss the ethical framework that should guide the decisions in these circumstances.**

Approach:

- Introduce by explaining that the duty of a public servant is to uphold public interest and work for greater good of the society.
- Discuss the importance of transparency.
- Discuss the need for confidentiality along with the issue of privacy and the provisions for nondisclosure in RTI Act.
- Illustrate your answer with some situations from day to day functioning of a public servant which require transparency and some which require confidentiality.
- Conclude by explaining that a civil servant should always uphold the value of transparency unless very strong reasons mandate maintaining confidentiality.

Answer:

Public servants are accountable to the people and should discharge their duties with utmost responsibility, integrity and justice. In discharge of their duty, they must always uphold public interest and greater good of the society which requires maintaining a fine balance between contrasting values of transparency and confidentiality.

Transparency enables citizens to have a say about issues that matter to them and a chance to influence decision-making and hold those making decisions to account. A public servant has to maintain transparency in procedures of his organisation so that common public is knows how to approach the organization. He also has to maintain utmost transparency in financial dealings of his organization so that accountability is ensured to the public.

Confidentiality

But public servants should strive to ensure that the value of transparency in government is upheld while respecting their duties of confidentiality under the law. Total openness and transparency is not possible. Governments need confidentiality for consultations during negotiations on treaties and agreements, and also for national security reasons.

Confidentiality as a value is generally thought to inhibit transparency but it may be interpreted in a positive manner also as it builds trust. Suppose a Minister discloses to his Secretary that the Government is planning to demonetize large denomination currency to fight corruption and black money. Here, the secretary is obliged by law and public interest to maintain confidentiality. If he leaks the information he will lose the trust of his Minister which is not conducive for a healthy working relationship.

Issue of privacy

Public servants have access to private information of the citizens and this has to be dealt with utmost care. For example, a tax official cannot make public the information about annual incomes of the citizens.

Even the RTI Act, which ushered in a new era of transparency, recognizes the importance of confidentiality and privacy in Section 8.

Ethical framework

- The public servant should find out about the relevant laws, rules and regulations and follow them in letter and spirit.
- He should also consider what his conscience says about the problem at hand.
- In doing so, he should always test his decision on the touchstone of public interest and the greater good of the society.
- Generally, he should take the side of transparency while respecting privacy unless and until very strong reasons exist for maintaining confidentiality.

The public servant's duties today remain many, complex and often seemingly contradictory, but successful public servants recognise their multiple roles and prepare for them. They know that transparency is the norm unless public interest and law obliges confidentiality.

8. Previous Years Vision IAS GS Mains Questions: Case Studies

1. *You are judging a high profile case of a rich businessman who is accused of holding back money of numerous investors in the country. You are facing tremendous pressure from politicians and an industrial lobby, asking you to be lenient towards the businessman as he has created close to a million jobs in the country and his bad reputation will be disastrous for the economy.*

The following are some suggested options. Please evaluate the merits and demerits of each of the options:

- (a) *Ask the senior judge to transfer you from the case.*
- (b) *Ignore all the pressure tactics by various groups completely.*
- (c) *Increase the duration of the court hearing to soothe down the pressure.*
- (d) *Hold the case in abeyance and ask for an inquiry report from the regulatory body.*
- (e) *Ask the media to stop reporting the case with such fanfare.*

Also indicate (without necessarily restricting to the above options), what would you advise, giving proper reasons.

Approach:

As the options have been already provided to the students, it is expected out of them to clearly spell out the reasons for supporting certain option. It should reflect their competence to understand the situation and act with prudence. Every option has some pros and cons. It is important to reflect the 'values' cardinal to you while choosing an option.

Answer:

On analysing the merits and demerits of the options provided in the question, we understand that:

- a) By asking the senior judge to transfer myself from the case would ensure that I would not face public pressure, scrutiny from media and industrial lobby; It would relieve me from the position of dilemma and I could look after other cases in better manner.

But by doing so, I shall be escaping from my duty. It would lead to dereliction of duty; besides if everyone facing similar situation desires similar steps, it would lead to a situation of chaos where one will not be willing to take the duty assigned to him.

- b) By ignoring the pressure tactics by various groups completely, we can focus on the merits and demerits of the case in an objective manner. It will ensure neutrality in decision making and help in setup a benchmark for further judgements. However, saying so is easier than doing so. There will be relentless pressure from various groups citing issues like it will harm the economy of the country, it could lead to loss of employment for many people, it may cause safety issue for the judge himself and his family may face little harassment too.
- c) By increasing the duration of court hearing to soothe down the pressure, the court can fetch more time for itself to analyse the case. Besides, it will provide enough time to the aggrieved parties to strengthen their case both for and against the issue. Also, with time pressure from people will reduce and it will help in taking the best possible decision in the matter. But by taking such step, it would be a case of delaying justice and it is firmly believed that justice delayed is justice denied. Also, there is no certainty that pressure will not mount back at the later date of hearing. Along with it, the professional integrity of the judge will be questionable and it could set wrong precedent for future in the country which is already reeling under the burden of large number of pending cases in the judiciary.
- d) By holding the case in abeyance and asking for an enquiry report from a regulatory body, the judge will get expert opinion on the matter which can help in taking an objective and better decision. It will also serve to reduce public pressure. However, it has its own costs. It would delay the judgement and may cause trouble in making the judgement if the enquiry report provides a completely different overview. Also, there could be comparisons drawn from the conclusion of the enquiry reports and the courts judgment, if both don't match.
- e) By asking the media to stop reporting the case with a fanfare, the pressure from public can be subdued to a certain extent. Many parties who are not directly related to the case will reduce the pressure on the court. But doing so, there could be concerns of judiciary trying to tame down media's right for freedom of speech and expression and may lead to rumours of some misdeeds behind the settings. Also, it would be against the basic theme of transparency and accountability, which are the backbone of any public office. Thus, it may reduce the public faith in the judicial system of the country.

On analysing the possible options, the best step possible, which can be taken, is that the judiciary should ask for setting up the enquiry committee in case, if the matter is requiring some expert knowledge on some topics, under consideration. Based on the reports and other facts available with the judge, proper judgement should be taken based on the merits of the law without any pressure from any external source.

2. ***During your election duty you caught hold of a vehicle full of cash. On inquiry, it was revealed to you that the vehicle belongs to a very popular politician of the region and even the exit polls are predicting his victory. The politician calls you up to release the vehicle. You try to approach your senior to seek advice but can't reach him.***
(a) What are the options available to you?
(b) What course of action will you take?

Approach:

This is an administrative challenge wherein the student is judged on choosing 'sense of duty' over 'political pressure'. The answer must clearly reflect the student's logic and reason for choosing certain course of action after weighing it over its pros and cons.

Answer:

The election officer is under tremendous pressure from a popular politician who is interfering in his duties. This situation depicts an administrative challenge where the officer has to find a suitable way out to perform his actions without challenging the politician's authority.

The following course of action is in front of him:

As the officer's senior is not approachable the onus of decision making lies on the officer itself.

a) Directly refusing the politician to accept his orders

As a subordinate it is the duty of the officer to obey his superiors in administrative setup, but until the commands do not deviate him from his sense of duty and consciousness. As the politician has asked him to perform an action away from his line of duty, refusing him will show his uprightness and honesty. However, this abrupt and rash behaviour can create ripples in the organization which can disrupt its working at such crucial time.

b) Accepting politician's orders.

Blindly accepting politician's orders will show the officer in bad light in front of his juniors as well as public. Not only has the officer to perform his duties honestly but also has to make sure that the organization's public image should not be tarnished. Also it is important to boost up the morale of the subordinates to perform the action with clear conscious; otherwise it will encourage malpractices in the organization.

- c)** The best course of action would be to explain to the politician that the money caught during the raid has been deposited in the government security and only a written order can help him retrieve the money packets. Also reason with the politician that it is very difficult to save oneself from 'media glare' and any such act will tarnish the image of the politician as well as the organization at large.

3. ***You are the District Magistrate of one of the poorest districts in the country. Due to widespread poverty and unhygienic conditions, there are many health related problems in the district. Many private medical practitioners have settled in the district and are running a profitable business. There are reports that many of them are charging high fees even for routine medical check-ups. Further, out-of pocket health expenditure has risen exponentially in the district.***

The MP of that constituency has fixed the rates, which the doctors can charge from their patients, for the most common medical treatment. These rates are within the capacity of the poor masses and would not impact the earning of the doctors too. He has also warned that if any doctor is found to be in violation of these, then serious action would be initiated against him.

The medical fraternity has protested against these arm-twisting tactics. They have approached the DM to remedy the situation.

(a) What are the options available to you?

(b) Evaluate each option and suggest the best course of action?

Approach:

The answer should consist of the following parts:

- Facts of the case
- Different options available to you and their analysis
- The course of action you would adopt and the reasons

Answer:

The facts of the case are:

- The public health condition of the district is poor
- Some doctors are charging very high fees
- The MP has fixed the rates which the doctors can charge from their patients, for the most common medical treatment.
- These rates are within the capacity of the poor masses and would not impact the earning of the doctors too
- The medical community is against the rate list fixed by the MP

The options available to me are:

- 1) Ask the doctors to follow the rate list – As the public health of the district is in abysmal state, hence limiting the medical charges is a good option. The Minister of Parliament is an elected representative and his orders should be respected. But the unilateral declaration made by the MP is not acceptable. Such diktats are signs of a dictatorship and not a democracy. Hence, this course of action is not suitable.
- 2) Ask for the MP to revoke his diktat – The MP has used extra-constitutional means to address the poor health situation of the district. Though the intention behind the act is noble but the method used is not appropriate. But asking the MP to revoke his diktat is only a partial solution as it doesn't address the high charges charged by some doctors for routine medical check-ups. Hence, this option is also not suitable.
- 3) Refuse to intervene in the matter – By refusing to intervene in the situation, I am saved from the ire of the Minister. It may prove beneficial for my career in the future. But I am abdicating my responsibility as a District Magistrate. This shows lack of conviction on my part. Also, the doctors may go on strike or approach the Courts for redressal for their grievance which will be a bigger headache for me. Hence, this is also not a suitable option.
- 4) Arrange for a meeting between the MP and representatives of the medical community to resolve the matter – Here, I have followed the middle path by addressing the grievance of the medical community as well as taking care of the concerns of the Minister regarding the poor public health of the district. I will try to negotiate a solution whereby the freedom of profession of the doctors is protected

and also advise the representatives of the medical community to guard against charging high fees. If still the MP doesn't agree to revoke his diktat than I will assure the doctors that no harm will come their way. Also, if the unethical practice of charging high fees is not curbed then I will take strict action against errant doctors.

I would follow the 4th option. This is a pragmatic approach. I will ensure that both the doctors as well as the MP have their way. The doctors will be able to practice their profession freely and also the practice of charging high fees will be curbed which will satisfy the Minister.

Also, I will urge the MP to provide funds from his MPLAD scheme for opening up of new hospitals and improving CHCs, PHCs under NRHM to improve the public health situation.

9. Previous Years UPSC GS Mains Questions

1. What does 'accountability' mean in the context of public service? What measures can be adopted to ensure individual and collective accountability of public servants?
2. What do you understand by the terms 'governance', 'good governance' and 'ethical governance'?
3. Some recent developments such as introduction of RTI Act, media and judicial activism, etc., are proving helpful in bringing about greater transparency and accountability in the functioning of the government. However, it is also being observed that at times the mechanisms are misused. Another negative effect is that the officers are now afraid to take prompt decisions. Analyze this situation in detail and suggest how this dichotomy can be resolved. Suggest how these negative impacts can be minimized.
4. Today we find that in spite of various measures like prescribing codes of conduct, setting up vigilance cells/commissions, RTI, active media and strengthening of legal mechanisms, corrupt practices are not coming under control. A) Evaluate the effectiveness of these measures with justifications. B) Suggest more effective strategies to tackle this menace.

10. Previous Years UPSC Mains Questions: Case Studies

1. You are a Public Information Officer (PIO) in a government department. You are aware that the RTI Act 2005 envisages transparency and accountability in administration. The act has functioned as a check on the supposedly arbitrarily administrative behaviour and actions. However, as a PIO you have observed that there are citizens who filed RTI applications not for themselves but on behalf of such stakeholders who purportedly want to have access to information to further their own interests. At the same time there are these RTI activists who routinely file RTI applications and attempt to extort money from the decision makers. This type of RTI activism has affected the functioning of the administration adversely and also possibly jeopardises the genuineness of the applications which are essentially aimed at getting justice. What measures would you suggest to separate genuine and non-genuine applications? Give merits and demerits of your suggestions.
2. As a senior officer in the Finance Ministry, you have access to some confidential and crucial information about policy decisions that the Government is about to announce. These decisions are likely to have far-reaching impact on the housing and construction industry. If the builders have access to this information beforehand, they can make huge profits. One of the builders has done a lot of quality work for the Government and is known to be close to your immediate superior, who asks you to disclose this information to the said builder.
 - (a) What are the options available to you?
 - (b) Evaluate of these options and choose the option which you would adopt, giving reasons.

3. A Public Information Officer has received an application under RTI Act. Having gathered the information, the PIO discovers that the information pertains to some of the decisions taken by him, which were found to be not altogether right. There were other employees also who party to these decisions. Disclosure of the information is likely to lead to disciplinary action with possibility of punishment against him as well as some of his colleagues. Non-disclosure or part disclosure or camouflaged disclosure of information will result into lesser punishment or no punishment.

The PIO is otherwise an honest and conscientious person but this particular decision, on which the RTI application has been filed, turned out to be wrong. He comes to you for advice.

The following are some suggested options. Please evaluate the merits and demerits of each of the options:

- (a) The PIO could refer the matter to his superior officer and seek his advice and act strictly in accordance with the advice, even though he is not completely in agreement with the advice of the superior.
- (b) The PIO could proceed on leave and leave the matter to be dealt by his successor in office or request for transfer of the application to another PIO.
- (c) The PIO could weigh the consequences of disclosing the information truthfully, including the effect on his career, and reply in a manner that would not place him or his career in jeopardy, but at the same time a little compromise can be made on the contents of the information.
- (d) The PIO could consult his other colleagues who are party to the decision and take action as per their advice.

Also, please indicate (without necessarily restricting to the above options) what you would like to advise, giving proper reasons.

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"If we cannot make India corruption-free, then the vision of making the nation develop by 2020 would remain as a dream." - Dr. A. P. J. Abdul Kalam

1. Probity in Governance

Probity originates from the latin word 'probitas', meaning good. It is the quality of having strong moral principles and strictly following them. It includes principles such as - honesty, integrity, uprightness, transparency and incorruptibility. Probity is confirmed integrity. It is usually regarded as being incorruptible.

Probity in Governance is concerned with the propriety and character of various organs of the government as to whether these uphold the procedural uprightness, regardless of the individuals manning these institutions. It involves adopting an ethical and transparent approach, allowing the process to withstand scrutiny. Probity goes further than the avoidance of being dishonest because it is determined by intangibles like personal and societal values. In a democracy, probity espouses the principles of equality before law and a respect for the rights and duties of leaders towards their citizens. Conversely, probity is a societal expectation which citizens demand from decision makers and all those who function as a part of the state's apparatus. In order to judge the extent to which this expectation is fulfilled, standards are prescribed and more often than not, these include three things: "accountability", "transparency" and "responsiveness" and a shared belief that the adoption of these standards will lead to clean and efficient governance. However, standards do not, by themselves, ensure ethical behaviour: which requires a robust culture of integrity and probity in public life. The crux of ethical behaviour does not lie only in standards, but in their adoption in action and in issuing sanctions against their violation.

1.1. Importance of Probity in Governance

- Foremost, it helps build up the legitimacy of the system, i.e. the state. It builds trusts in the institutions of the state and a belief that the actions of the state will be for welfare of the beneficiaries.
- It leads to prudent and ethical outcomes and building of trust over time.
- It leads to avoidance of sub-optimal outcomes, corruption and poor perception.
- It provides for an objective and independent view on the fairness of the process
- It helps in checking the abuse and misuse of power by various organs of government such as magistracy, police and all other providers of public service e.g. PWD, health, education, etc.
- It is an essential and vital requirement for an efficient and effective system of governance and for socio-economic development.

According to the National Commission to Review the working of Constitution's (NCRWC, 2002) report on 'Probity in governance',

'An important requisite for ensuring probity in governance is absence of corruption. The other requirements are effective laws, rules and regulations governing every aspect of public life and, more important, an effective and fair implementation of those laws, etc. Indeed, a proper, fair and effective enforcement of law is a facet of discipline. Discipline implies inter alia public and private morality and a sense of honesty...It is true that instilling a sense of discipline among the citizens is more the function of the society, its leaders, political parties and public figures and less a matter which can be legislated upon.'

Still, The NCRWC made suggestions on ways to enforce probity in governance, specifically on legal and procedural aspects to control the menace of corruption.

In this regard, the Scandinavian economist-sociologist, Gunnar Myrdal in his book 'Asian Drama', describes India as a 'soft society'. It is a society where there is a:

- Lack of will to enact laws necessary for progress and development
- Lack of will to implement even the existing laws
- Lack of discipline at all levels – including the administration and structures of governance

The famous economist Mehbub-Ul-Haq, remarked that corruption existed everywhere but it is a greater cause of worry in South Asia because it is exploitative and feeds on the helpless poor citizen.

Though instilling a sense of morality in the people and its representatives is a long-term process which needs an immediate attention, some legislative measures can be designed with an utmost urgency to ensure probity in governance. Thus, **Probity in governance** is an essential and vital requirement for an efficient and effective system of governance and for socio economic development.

1.2. Principles of Probity

While the doctrine and the principles of probity are clear and well defined, giving a concrete shape to implement them is the task of the government. Therefore, even though there would be little disagreement regarding importance of honesty or objectivity to develop probity in governance, what constitutes honesty or objectivity, and more importantly, how to enforce them in everyday decision making becomes dependent on the will of the government, the strength of the institutions and the people responsible to uphold them. Still, a general list of principles which constitute probity is warranted. The seven principles of public life as given by Nolan Committee in the United Kingdom are commonly included, these being- selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Some of the principles of probity are discussed as below:

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 organizations that might influence them in the performance of their official duties.
3. **Objectivity:** In carrying out 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 must be able to explain the rationale for their decisions taken or the way the duty has been performed and submit themselves to whatever scrutiny is appropriate to their office. It is a sense of responsibility towards one's actions and an obligation to be able to explain the rationale for the decisions taken or the way the duty has been performed. Government should put in place efficient and effective mechanisms to ensure that the executive is held accountable for his/ her practices and decisions.
5. **Transparency:** For the proper functioning of the administrative machinery it is imperative that the process is transparent, barring the conditions of nation's security where secrecy is required, so that all the stakeholders have confidence and trust in the system.
6. **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.
7. **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.
8. **Confidentiality:** Maintaining confidentiality in all matters pertaining to decision making by civil servants is a duty of all functionaries and especially those responsible for execution of

laws, policies and programmes. This is built into the conduct as well as financial rules as well as rules of executive. As a condition of employment, all public servants and people involved in a project or a department which pertains to sensitive information, must provide a formal undertaking to the government to keep the information confidential. The delicate balance between transparency and confidentiality must be maintained in all situations. The concept of **Administrative Justice** is founded on confidentiality and transparency in stating the grounds of the decision. For example, in a flood affected district where there is a shortage of kerosene for distribution, it is perfectly legitimate to provide more/prioritise giving kerosene to a family where children go to school. The taking of the decision has to be confidential, but once taken, the grounds for the decision must be communicated to the people.

9. **Management of Conflicts of Interest:** A conflict of interest is a situation when a person's capability to take a fair and just decision may be impaired because he may directly or indirectly benefit from the consequences of that decision. Being a party, directly or indirectly, to a matter in which a person has stakes renders him incapable of being fair or wholly objective and impartial. As such, he/she should make their position clear to the higher authority for further guidance. A conflict of interest in public service arises when the officials involved either try to use the information they have or exploit their position of authority for an unfair advantage either for themselves or for someone else. Management of such conflicts requires personalities of high integrity and stringent institutional mechanisms to uphold public interests. Currently, such cases are often handled on ad hoc basis in India.
10. **Leadership:** Holders of public office should promote and support the above-mentioned principles by leadership and set an example for others to emulate.

1.3. Need for Probity in Governance: The Menace of Corruption

According to the NCRWC,

'Corruption is an abuse of public resources or position in public life for private gain. The scope for corruption increases when control on the public administrators is fragile and the division of power between political, executive and bureaucracy is ambiguous. Political corruption which is sometimes inseparable from bureaucratic corruption tends to be more widespread in authoritarian regimes where the public opinion and the Press are unable to denounce corruption. The paradox of India, however, is that in spite of a vigilant press and public opinion, the level of corruption is exceptionally high. This may be attributed to the utter insensitivity, lack of shame and the absence of any sense of public morality among the bribe-takers. Indeed, they wear their badge of corruption and shamelessness with equal élan and brazenness. The increase of opportunities in State intervention in economic and social life has vastly increased the opportunity for political and bureaucratic corruption, more particularly since politics has also become professionalized...

...Corruption today poses a danger not only to the quality of governance but is threatening the very foundations of our society and the State. Corruption in defence purchases, in other purchases and contracts tend to undermine the very security of the State. Some of the power contracts are casting such financial burden upon some of the States that the very financial viability of those States has fallen into doubt. There seems to be a nexus between terrorism, drugs, smuggling, and politicians, a fact which was emphasized in the Vohra Committee Report.

Corruption has flourished because one does not see adequately successful examples of effectively prosecuted cases of corruption. Cases, poorly founded upon, half-hearted and incomplete investigation, followed by a tardy and delayed trial confluence a morally ill-

deserved but a legally inevitable acquittal. The acceptance of corruption as an inexorable reality has led to silent reconciliation and resignation to such wrongs. There needs to be a vital stimulation in the social consciousness of our citizens – that is neither has a place in the personal nor social. It is true that the present process of withdrawing the State from various sectors in which it should have never entered or in which it is not capable of performing efficiently may reduce the chances of corruption to some extent but even if we migrate to a free market economy, there has to be regulation of economy as distinct from restrictions upon the industrial activity. The requirements of governance would yet call for entering into contracts, purchases and so on.'

The Second Administrative Reforms Commission (2nd ARC) in its 4th Report, Ethics in Governance, further elaborates on corruption by describing the nexus between corruption and criminalisation of politics. The participation of criminals in the electoral process is said to be “the soft underbelly of the Indian political system”, leading to “flagrant violation of laws, poor quality of services, protection from lawbreakers on political, group, class, communal or caste grounds, partisan interference in the investigation of crimes, the poor prosecution of cases, inordinate delays lasting over years, the high costs of the judicial process, mass withdrawal of cases, indiscriminate grant of parole are listed as being the most important causes of corruption. The Commission has also spoken of converting policemen from potential adversaries into allies and called this phenomenon “as an irresistible magnet that draws criminals to politics”. Referring to political parties the Commission has drawn attention to how votes can be secured through the use of money and muscle power and pointed to the large, illegal and illegitimate expenditure on elections as being the root cause of corruption. Against this background, the ARC classified offences that need to come under the **Prevention of Corruption Act to include:**

- gross perversion of the Constitution and democratic institutions amounting to willful violation of the oath of office
- Abuse of authority by unduly favoring or harming someone
- Obstruction of justice
- Squandering public money.

In the context of India, the ARC has listed three important factors that have aggravated the abuse of office:

- First, there is a colonial legacy that those in authority can exercise power in an unchallenged way.
- Second, there is enormous asymmetry of power. Nearly 90% of the people work in the unorganized sector. Two thirds of the remaining work in the organized sector having job security and regular monthly wages and are employees of the state either directly or indirectly. Almost all these employees are ‘educated’ in a largely illiterate and semiliterate society and economically even the lowliest of public servants are better off than most people in the country. What is more, their employment in government comes with all the trappings of power. Such asymmetry of power reduces societal pressure to conform to ethical behaviour and makes it easy to indulge in corruption.
- Historically and as a conscious choice, the Indian government in the early decades after Independence chose a set of policies whose unintended consequence was to put the citizen at the mercy of the State. Over regulation, restrictions on economic activity, dependency on state monopolies and scarcity of essential commodities induced corruption which became a way of life.

Further, it says that corruption is so deeply entrenched in the system that most people regard corruption as inevitable and any effort to fight it as futile. This cynicism is spreading so fast that it bodes ill for our democratic system itself. According to 2nd ARC,

'There are two, somewhat contrary, approaches in dealing with corruption and abuse of office. The first is overemphasis on values and character. Many people lament the decline in values and the consequent rise in corruption. The implicit assumption is that until values are restored, nothing much can be done to improve the conduct of human beings. The second approach is based on the belief that most human beings are fundamentally decent and socially conscious, but there is always a small proportion of people, which cannot reconcile individual goals with the good of society. Such deviant people tend to pursue personal gain at the cost of public good and the purpose of organized government is to punish such deviant behaviour. If good behaviour is consistently rewarded and bad behaviour consistently punished, the bulk of the people follow the straight and narrow path. However, if good behaviour is not only not rewarded, but is actually fraught with difficulties and bad behaviour is not only not punished, but is often extravagantly rewarded, then the bulk of the people tend to stray from the honourable path.

In the real world, both values and institutions matter. Values are needed to serve as guiding stars, and they exist in abundance in our society. A sense of right and wrong is intrinsic to our culture and civilization. But values need to be sustained by institutions to be durable and to serve as an example to others. Values without institutional support will soon be weakened and dissipated. Institutions provide the container, which gives shape and content to values. This is the basis of all statecraft and laws and institutions. While incentives and institutions matter for all people, they are critical in dealing with the army of public servants – elected or appointed – endowed with authority to make decisions and impact on human lives and exercising the power to determine allocation of resources. Public office and control over public purse offer enormous temptation and opportunity to promote private gain at public cost. Therefore, creation of institutions and designing of incentives are of utmost importance in promoting ethical conduct of public servants.'

The Commission has pointed out how the most important determinant of the integrity of a society or the prevalence or absence of corruption is the quality of politics. When politics attracts and rewards men and women of integrity, competence and with a passion for the public good, society benefits. But when honesty is incompatible with survival in politics, and if public life attracts undesirable and corrupt elements seeking private gain, then abuse of authority and corruption becomes the norm. Large, illegal and illegitimate expenditure in elections has been termed to be the root cause of corruption and hence cleansing elections has been ranked the most important step towards improving ethical standards in politics. This one step alone can curb corruption and rectify maladministration.

Justice JS Verma, in the famous Vineet Narain Judgement held that, "holders of public office are entrusted with powers to be exercised in public interest alone, and therefore, the office is held by them in trust for the people. Any deviation from the path of rectitude by any of them amounts to a breach of trust and must be severely dealt with instead of being pushed under the carpet."

1.4. Measures Required for Ensuring Probity in Governance

For ensuring probity in governance in India, several legislative and administrative measures have been undertaken and rest are under process of design/ implementation. A few among these are discussed below:

1. Prevention of Corruption Act, 1988 and the Amendments to the Act in 2018

According to Shri N.Vittal, Former Chief Vigilance Commissioner, the first stage in the dynamics of the rule of law is the framing of effective rules and laws, which are equipped to hinder the

ever-rising escalation of the corruption graph. It is in this context that the Prevention of Corruption Act, 1988 becomes highly significant.

The Prevention of Corruption Act, 1988 incorporates the Prevention of Corruption Act, 1947, the Criminal Law Amendment Act, 1952, and sec. 161 to 165-A of the Indian Penal Code with modifications. The law defines who a public servant is and punishes public servants involved in corruption or bribery. It also punishes anyone who helps him or her commit the crime corruption or bribery.

What crimes are punished by this law?

- When a public servant accepts money or gifts over and above their salary, in return for favoring a person in their official duty.
- When a public servant accepts gifts from a person with whom they have a business or official relationship without paying them.
- When a public servant is guilty of criminal misconduct such as regularly accepting bribes to favor people during their official duty.
- If any person accepts money or gifts in return for influencing the public servant by using his personal connection or through illegal or corrupt methods, this person can also be punished.
- Any person helping the public servant commit these crimes can also be punished.
- **According to the recent amendment in the act a person offering the gift or a bribe will also be punished.**

The 1947 Act declared such corrupt acts offences as taking bribe, misappropriation, obtaining a pecuniary advantage, possessing assets dis-appropriate to income, and abusing official position. The 1988 Act enlarged the scope of the term 'public servant' and included a large number of employees within its ambit. Besides the employees of the central government and the union territories, the employees of public undertakings, nationalised banks, office-bearers of cooperative societies of the central and the state government receiving financial aid, employees of the University Grants Commission (UGC), vice-chancellors, professors, and scientists in institutions receiving financial aid from the central or state governments or even from the local authorities have all been declared as public servants. Even though MPs and MLAs, who perform 'public duties', have not been explicitly mentioned in the definition of public servants, the act has been interpreted so as to include them too (Conviction of Lalu Prasad Yadav has been under various sections of IPC as well PCA).

Amendments in 2018

As the primary law that regulates corruption related offences by public servants, the Prevention of Corruption Act, 1988 penalises public officials who take a bribe. The bribe giver can only be punished for 'abetting' or aiding the bribe taker. Moreover, if the bribe giver agrees to turn witness against the bribe taking public official, he escapes punishment. Over the years it has been recommended that, in order to effectively tackle cases of bribery, it is not enough to punish the demand side of bribery alone (i.e. the bribe taker). The supply side of bribery (i.e. the bribe giver) should also be equally penalised. This thinking is reflected internationally as well: the United Nations Convention against Corruption, 2005 and the UK's Anti Bribery Act, 2010 treat bribe giving and taking as equal offences. Some of the amendments are explained below.

Under the amended Section 8, the offence of giving a bribe has been explicitly recognised. It covers the giving / promising of bribes as inducement / rewards for corrupt acts by public servants. The giving / promising need not be done directly. It must be made to *another person*, and while this can certainly be the targeted public servant, it can be any other person as well. This conduct must be performed *intentionally* for it to be punished under Section 8.

As important as the offence itself is the Proviso to Section 8(1) that carves out an important exception to protect persons who are “compelled” to give bribes. This is an acknowledgment of the existing social realities where public servants exploit their position to aggressively demand undue favours for performing their duties. Bill has carved out an exception in this regard – if a person who is compelled to give a bribe reports the incident to law enforcement authorities within seven days, he will not be punished. This exception seeks to differentiate between a harassed bribe giver and one who is acting in a dishonest manner to gain undue benefits. Another important exception to Section 8 is codified in the second Proviso, which protects the long-standing use of “entrapment” (called trap cases in the field) as a technique to nab corrupt public servants. So, persons who are conducting a sting operation to assist criminal investigations cannot be prosecuted either.

As per section 13(d), a public servant was said to have committed the offence of criminal misconduct, if s/he *“while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest.”*

However, any policy/recommendation/decision made by a public servant will inevitably benefit some entities and adversely affect some entities. Hence this provision could be interpreted in a manner to question the motive and consequently harass the official. This subsection has now correctly been done away with, and the new subsections define criminal misconduct of a public servant as:

- *“if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person to do so; or*
- *if he intentionally enriches himself illicitly during the period of his office and, he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income”.*

These provisions are specific, and bring in ‘intention’ and ‘quid pro quo’ as essential ingredients of the offence, which is perfectly reasonable, and adequate to catch actual wrongdoers.

Protection of Honest Bureaucrats (Amendments in Section 13, 17A and 19): Policy decisions are futuristic in nature. They must be taken with public interest and application of mind, and not be whimsical or serve private interest. However, even with best of intentions, they may end up being less than optimal. With the benefit of hindsight, they may be evaluated at a later stage and bona fide motives questioned for mal-intentions. For e.g. framing policy for curbing black money or allocation of natural resources may end up being less optimal in future. But governance cannot be stopped for the fear of unforeseen risk. For initiatives to succeed and deliver results, senior officers needed to be assured that any bona fide economic decision taken by them would not be second-guessed many years later and make them the targets of investigative action and prosecution much after they have retired from service. This was not happening in the dispensation till now, and the provisions in the Act in some cases ended up being used to prosecute honest bureaucrats. The ambiguity of Section 13 which deals with such cases has been resolved and now there is clarity on what constitutes a criminal misconduct.

Similarly, a new Section 17A incorporates inquiry investigation of offences relating to recommendations made or decision taken by public servant in discharge of official functions or duties. For such actions, prior sanction by competent authority is necessary, except when the person is caught red-handed. Section 19 extends this protection to retired bureaucrats as well.

Single Directive:

Several decades ago the Central Government in its wisdom had made it mandatory for the CBI to take the prior approval of the government to even conduct a preliminary inquiry into

allegations of corruption against officers in all civil services of the rank/grade of Joint Secretary and above. This was called the 'Single Directive'. Supreme Court struck down this Single Directive as being arbitrary and violative of the guarantee of equal treatment and equal protection of the law under Article 14 of the Constitution.

Later, the Central Government gave statutory status to the Central Vigilance Commission through the Central Vigilance Commission Act (CVC Act) and brought back the 'Single Directive' in that law as well as by amending the Delhi Special Police Establishment Act (DSPE Act). What the Apex Court had struck down earlier was only an executive direction/resolution. Now the protective shield for senior officials was given legal sanction. The Government argued that such protection was essential for senior level officers to function in an independent manner without fear of prosecution for every decision they made. This was like immunising the senior bureaucracy from any inquiry into allegations of corruption against it. Ultimately the senior bureaucrats themselves would decide whether one of their own would be inquired against for corruption or not. This was **challenged again in the SC through a PIL by Dr. Subramanian Swamy**. The Constitution Bench of the Court held that the 'Single Directive' contained in the CVC Act and the DSPE Act violated the guarantee of Article 14 of the Constitution. Same is not granted to junior level officers. Further, equal grade officers at the state level do not enjoy such immunity. Therefore, it is **violative of Art.14, and hence, void**.

****Please note** that this issue is related only to the stage of preliminary inquiry into a complaint of corruption against senior officers. The requirement under Section 197 of the Criminal Procedure Code and Section 19 of the Prevention of Corruption Act that no Court shall take cognizance of a case against any public servant until the competent authority gives sanction for prosecution stands intact. This has further been extended to the investigation stage through **recent amendments to PCA**. Hence now, an extra level of protection has been added - prior approval will have to be obtained not just at the stage of prosecution, but at the stage of investigation as well. However, it is at the stage of criminal investigation that facts and circumstances are verified, and evidence is collected. In the absence of such evidence, what is the information that will be available to the sanctioning authority to decide whether the CBI should begin investigation? Also, this could result in further delays in investigation and prosecution of genuine cases of corruption.

2. Enactment of Right to Information Act 2005

Supreme Court in *Secretary Ministry of Information and Broadcasting vs. Cricket Association of Bengal, 1995* case stated that Article 19 of the Constitution (pertaining to freedom of speech and expression) includes the right to acquire information and to disseminate it. The right to information (RTI) in India was developed through judicial pronouncements and later given proper shape through Right to Information Act 2005.

The 2005 Act is helping the cause of probity in governance via citizen activism. It is not just about filing RTI applications but also initiates debates, discussion on issues, cases etc. It is serving as a way to an open society and is ushering in a culture of asking questions.

Highlighting its importance, the second ARC states that the RTI is master key to good governance. The RTI helps in ensuring accountability in governance, minimizing corruption and inefficiency in public offices. It enables people's participation in governance and decision making.

RTI Act has been enacted to radically alter the administrative ethos and culture of secrecy and control and bring a new era of openness, transparency and accountability in governance. The impact of this historic legislation in achieving its objectives is already quite visible. An aware

and participative public will in future take more and more recourse to this Act to get information which will perforce bring probity and transparency in public offices.

3. Whistle Blowers Protection Act 2014

One of the measures adopted in several western countries to fight corruption and protect the informers of unlawful activities is the enactment of Public Interest Disclosure Acts, which are popularly called Whistle-blower Acts. India enacted its own version in 2014. The Act provides a mechanism for receiving and inquiring into public interest disclosures against acts of corruption, wilful misuse of power or discretion, or criminal offences by public servants. The objectives of such an act, generally, are:

- To ensure accountability amongst the public servants by encouraging people not to turn a blind eye to corrupt practices taking place around them and report it to the concerned authority
- To protect the whistle-blowers from dismissal and victimization and to protect his/ her identity
- To provide for a competent and independent authority/mechanism/officer that receives such information
- To ensure that the whistle-blowing facility is not abused by malicious employees, out to achieve their personal grievance or grudges

Salient features of WBPA, 2014:

- In defining who a whistle-blower is, the law goes beyond government officials who expose corruption they come across in the course of their work. It includes any other person or non-governmental organisation.
- It has provisions to conceal the identity of the whistle-blower.
- It affords protection against victimisation of the complainant or anyone who renders assistance in an inquiry. This is critical as whistle-blowers are routinely subjected to various forms of victimisation — suspensions, withholding of promotions, threats of violence and attacks. The law empowers the competent authorities to accord them protection, which includes police protection and penalising those who victimise them.

There have been multiple instances of threatening, harassment and even murder of numerous whistle blowers in the country. For example, the murders of Shanmugan Manjunath, Satyendra Dubey, Lalit Mehta and others brought to light, the need for such legislation to provide protection to whistle-blowers. In this context, further strengthening of the Act should be done to encourage whistle-blowers for uncovering instances of corruption.

Bill for Amendments to Whistle-blower Protection Act (2015): (Pending in Rajya Sabha)

- The Bill prohibits the reporting of a corruption related disclosure if it falls under any 10 categories of information.
- These categories include information related to: (i) economic, scientific interests and the security of India; (ii) Cabinet proceedings, (iii) intellectual property; (iv) that received in a fiduciary capacity, etc. These are in line with provisions of Section 8(1) of the RTI Act, 2005.
- The original Act of 2014 permits disclosures that are prohibited under the Official Secrets Act (OSA), 1923. This Bill reverses this to disallow disclosures that are covered by the OSA.
- Any public interest disclosure received by a Competent Authority will be referred to a government authorised authority if it falls under any of the above 10 prohibited categories. This authority will take a decision on the matter, which will be binding.

Whistle-blower laws in other countries also prohibit the disclosure of certain types of information. These include information related to national security and intelligence, received in a fiduciary capacity, and any disclosure specifically prohibited by a law. However, the

comparison that these amendments try to bring with the RTI Act may not be appropriate. Unlike the RTI Act, disclosures under the Bill are not made public but in confidence to a high level constitutional or statutory authority.

The amendment Bill will remove the immunity provided to whistle-blowers from prosecution under the Official Secrets Act (OSA) for disclosures made under the WBP law. Offences under the OSA are punishable by imprisonment of up to 14 years. Threat of such stringent penalties would deter even genuine whistle-blowers. The basic purpose of the WBP Act is to encourage people to report wrongdoing.

Further, to ostensibly bring the WBP Act in line with the RTI Act, the amendment Bill says that complaints by whistle-blowers containing information which would prejudicially affect the sovereignty, integrity, security or economic interests of the state shall not be inquired into. In addition, certain categories of information cannot form part of the disclosure made by a whistle-blower, unless the information has been obtained under the RTI Act. This includes what relates to commercial confidence, trade secrets which would harm the competitive position of a third party, and information held in a fiduciary capacity. These exemptions have been modelled on Section 8(1) of the RTI law which lists information which cannot be disclosed to citizens.

Conflating the two laws is inappropriate and would preclude genuine whistle-blowing in several scenarios. For instance, if government officials come across evidence of wrongdoing in the normal course of their work would not need the RTI Act to access relevant information, and if that information cannot be granted under RTI (because of section 8), then corruption in those areas would remain unexposed. For examples, complains of corruption in procurement of weapons for armed forces or in construction of nuclear power plants may not see the light of the day because of this.

To ensure that sensitive information pertaining to national security and integrity is not compromised, instead of having a blanket exemption, the government could have proposed additional safeguards for such disclosures such as requiring complaints to be filed using sealed envelopes to the competent authorities.

4. Prohibition of Benami Property Transactions (PBPT) Act 1988 and Benami Transactions (Prohibition) Amendment (BTPA) Act 2016

The PBPT Act 1988 defines a “benami transaction” as any transaction in which property is transferred to one person for a consideration paid or provided by another person. The BTPA Act 2016 is an improvement over the 1988 Act on several fronts such as:

- It amends the definition of benami transaction to add other transactions which qualify as benami, such as property transactions where:
 - The transaction is made in a fictitious name,
 - The owner is not aware of or denies knowledge of the ownership of the property, or
 - The person providing the consideration for the property is not traceable.
- It establishes four authorities to conduct inquiries or investigations regarding benami transactions: (i) Initiating Officer, (ii) Approving Authority, (iii) Administrator and (iv) Adjudicating Authority
- It specifies the penalty for entering into benami transactions
- It also prohibits recovery of the property held benami from benamidar by the real owner.
- Properties held benami are liable for **confiscation by the Government without payment of compensation.**

It provides for exceptions in specifies certain cases like buying property in the name of immediate family members.

5. Central Vigilance Commission

The CVC was established in 1964 pursuant to the recommendations of the Santhanam Committee to advise the government in respect of matters pertaining to maintenance of integrity in administration. The jurisdiction of CVC extended to all public servants and employees of central public-sector undertakings, nationalized banks and autonomous organizations.

In *Vineet Narain versus Union of India* case 1997, Supreme Court directed the government to give CVC a statutory status in order to make it independent, accountable and also insulate it from political control. Consequently, the CVC Act was enacted in 2003.

Another related body i.e. the Central Bureau of Investigation is placed under the supervision of the CVC. The CVC can refer cases **either to the Central Vigilance Officer (CVO)** in each department or to the CBI. The CVC or the CVO **recommends** the action to be taken against a public servant but the **decision** to take any disciplinary action against a civil servant **rests on the department authority**.

Civil Services Commission Board

Additionally, constitution of a Civil Services Commission Board for overseeing appointments, transfers, postings to senior posts and taking disciplinary actions against the erring officers is imperative to curb the political interference.

Suggestions of Central Vigilance Commission

Another idea was floated by the commissioner of Central Vigilance Commission Shri N Vittal that corruption-free governance should be made a fundamental right of the citizens. It's provisions should be incorporated in Part III of the Constitution so that people demand it as their fundamental right as well as in Part IV so that the State legislate and act in accordance with the guiding principles. This step would definitely further the standards of probity and integrity provided the modalities and institutional arrangements for enforcements of fundamental rights are put in place.

In *TSR Subramanian & Ors V/s Union of India Case*, the Supreme court gave directions for setting up of a **Civil Services Board**. The petitioners sought mandatory court injunctions to support the independence of the various Indian civil services and their freedom from political interference, by requiring the Union and state governments to implement the recommendations made by several commissions of review (including the Hota Commission):

- that oral instructions given by politicians to civil servants must be recorded in writing,
- that senior civil service appointments should be made for a fixed term
- and that civil services boards should be established to advise on postings.

Major rulings in the case included:

- Officers of the Indian Administrative Service (IAS), other All India Services and other civil servants were not bound to follow oral directives, since they "undermine credibility"
- Establishment of a Civil Services Board (CSB), headed by the Cabinet Secretary at the national level and chief secretaries at the state level, to recommend transfers and postings of All India Services (IAS, IFS and IPS) officers.
- Group 'B' officers would be transferred by heads of departments (HoDs).
- No interference of ministers, other than the chief minister, in transfers or postings of civil servants.

6. Institutions of the Lokpal and the Lokayuktas

The basic idea of the institution of Lokpal has been borrowed from the concept of **Ombudsman** in countries such as Finland, Norway, Denmark, Sweden, U.K. and New

Zealand. In 1995, the European Union created the post of European Ombudsman. Presently, about 140 countries have the office of the Ombudsman. Indian version this office is provided under the Lokpal and Lokayuktas Act 2013.

The Act seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain public functionaries and matters connecting them.

First Lokpal bill, termed as Lokpal and Lokayukta Bill, 1968 was introduced in Lok Sabha on the recommendation of ARC's report on the "Problem of Redress of Citizens' Grievances" which was submitted in 1966. But the Bill lapsed with the dissolution of Lok Sabha. After that, despite being introduced few times, Lokpal Bill could not get passed from the Parliament till 2011. In 2011 massive public protests led to proposal of Jan Lokpal bill under the leadership of anti-corruption crusader Anna Hazare. The government's version of the Lokpal Bill 2011 and the Jan Lokpal Bill 2011 proposed by civil society activists had certain points of divergence. Finally, the Lokpal and Lokayuktas Act 2013 was passed that came into force in January 2014. Various States such as Rajasthan, Bihar, Karnataka and others have also adopted/ enacted this legislation and established the office of Lokayukta at state-level.

While the Lokpal bill has been passed by Parliament, a number of other supporting bills which address issues related to tackling corruption are still pending in Parliament. Bills related to citizen charter and electronic public service delivery, public procurement etc. are pending in Parliament. These bills when passed would ensure that the institution of Lokpal does not get flooded by day to day complaints of administrative inefficiency and corruption. And while enacting a law is the first step towards curbing corruption, the effectiveness of the law would depend on how well it is implemented on the ground.

A Lokpal can enquire into offences under the Prevention of Corruption Act, 1988 (PCA) committed by:

- the PM with specified safeguards,
- current and former Union Ministers,
- current and former MPs,
- group A, B, C, D officers,
- employees of a company, society or a trust set up by an Act of Parliament, or financed or controlled by the central government.
- employees of association of persons that (i) have received funding from the government and have an annual income above a specified amount; or (ii) have received public donation and have an annual income above a specified amount or received foreign funding above Rs 10 lakh a year.
 - An inquiry against the PM has to be held in-camera and approved by a 2/3rd majority of the full bench of the Lokpal. The PM cannot be investigated if the complaint is related to international relations, external and internal security, public order, atomic energy and space.
 - The Lokayuktas shall have jurisdiction over the CM, Ministers, MLAs, all state government employees and certain private entities (including religious institutions).
 - The Lokpal's inquiry wing is required to inquire into complaints within 60 days of their reference. On considering an inquiry report the Lokpal shall (i) order an investigation; (ii) initiate departmental proceedings; or (iii) close the case and proceed against the complainant for making a false and frivolous complaint. The investigation shall be completed within 6 months. The Lokpal may initiate prosecution through its prosecution Wing before the Special Court set up to adjudicate cases. The trial shall be completed within a maximum of two years. The Bill specifies a similar procedure for Lokayuktas.

1.5 Other Suggestions for improving Probity in Governance

1. Legislation to check misfeasance in public office

Misfeasance means a wrongful performance of a normally lawful act. Civil servants enjoy discretionary powers allotting housing to the homeless, making policies for distribution of natural resources like minerals and granting permissions for businesses like petrol pumps etc. However, it is often being observed that the public servants use such discretion for their own personal gains. All such acts result in a loss to the state and our constitutional dream of an egalitarian society and socio-economic justice can never be achieved if this behaviour is not curbed.

Supreme Court in cases of misfeasance by two former union ministers (in case of illegal allotments of petrol pumps and government accommodations) ruled that:

- If a public servant abuses his office either by an act of omission or commission, and the consequence of that is injury to an individual or loss of public property, an action may be maintained against such public servant.
- exemplary damages can be awarded in a case where the action of a public servant is oppressive, arbitrary or unconstitutional is unexceptionable"

However, in many cases of misfeasance it is been argued that it is not permissible for the Supreme Court "to direct the government to pay the exemplary damages to itself", on the footing that a Minister of the government is part of the Government and therefore the Government cannot be directed to pay damages to itself.

As suggested by the NCRWC, in such a situation:

- *there is a need for a comprehensive law that makes the public servants liable for the losses made to the State* by their mala fide actions or omissions of a palpable character, so defined by the law, and they should be asked to make good the loss so caused and,
- In addition, would be open to the imposition of exemplary damages. The principles must include cases of misuse of official position and acts outside authority.
- The expression 'public servant' must be extended to 'all public servants as defined in the Indian Penal Code and in the Prevention of Corruption Act, 1988, which expression has been interpreted to include Members of Parliament, Members of State Legislatures and Councils and Ministers.

****Note that** – 'Causing loss' and then calculating loss is a complex subject. As it is based on hindsight, this might inhibit decision making. Defence purchases are an example where both the situations of bribery/large scale corruption as well as delayed decision making for the fear of allegations of corruption exist.

2. Legislation for confiscation of illegally acquired assets of the public servants

There is an absolute necessity to enact a law providing for forfeiture of properties acquired by holders of 'public office' (including the offices/posts in the public sector corporations) by indulging in corrupt and illegal acts and deals, in the present state of our country.

- The law should place the burden of proving that the attached properties were not acquired with the aid of money/properties received in the course of corrupt deals upon the holder of that property in case of benami transaction or
- The burden is on such public servant to account for the sources for the acquisition of disproportionate assets, and if he fails to satisfactorily account for his assets, he is liable to be convicted.
- In-fact, Law Commission of India submitted its 166th Report on "the Corrupt Public Servants (Forfeiture of Property) Bill" recommending to the Central Government to introduce a Bill in Parliament for forfeiture of illegally acquired properties of corrupt

public servants. However the government has still not taken any steps in the desired direction.

Unless there is a law providing for strict legal action against corrupt practices of civil servants, they would be prompted to exploit their authority, using corrupt practices and fly their way off to tax havens!

3. Legislation for Ethics in Government

The US has in place Ethics in Government Act that contains following provisions:

- It demands a person to provide for a full, true and complete disclosure of all kinds of assets including mortgages, movable assets, and benefits under trusts and so on within 30 days of joining as a public official.
- It empowers the Attorney General to bring a civil action in an appropriate US district court against any individual who knowingly and willfully files a false declaration and provides for custody of the declarations
- It expressly provides that public shall have access to such declarations. Any US citizen is entitled to use the said reports for any lawful purpose and provides for review and scrutiny of these reports by specified authorities.

A similar provision could be put in place in India to promote better accountability and curb the problem of corruption. As such we have Civil Services Conduct Rules. Giving these rules statutory status in the form of Ethics Act would ensure better implementation.

Still, having a legislation does not guarantee compliance. Those unwilling will always find ways to bypass the law. Example of Donald Trump (45th President of US) is a classic case. He has not disclosed his tax returns for many years when it has been a well-established convention for all candidates running for the highest office in US.

4. Strengthening of criminal judicial system

As discussed, merely having laws is not sufficient. Fear of law- the cost of violation should be prohibitive enough to discourage the breach of law. Strengthening judicial system is one of the most important requisites for ensuring probity in governance. The criminal judicial system consists of the police/investigating agency, the prosecuting agency, the advocates, witnesses and finally the judiciary.

Access to justice is based upon the principle that people should be able to rely upon the correct application of law and the implementing agencies do their jobs with utmost integrity. However, in reality there are some impeding factors such as:

- Overburden on the police/investigating agencies
- Lack of modern tools to establish culpability, especially with complex crimes.
- Lack of awareness among citizens about their rights
- Unaffordable access to legal aid
- Complexity of adjudication that entails lengthy legal proceedings
- Vacancies in the judiciary and inadequate logistics to handle the burden of cases
- Nexus between the elites, politicians and the bureaucracy hamper delivery of justice to the common man.

What we need today is a transparent mechanism to deal with such a menace and out of the box inventions in the wake of judicial activism. Public Interest Litigation and community based policing (as in US, UK) are some methods.

1.6. Conclusion

Probity helps in ushering good governance which not only leads to effective use of public resources but will also lead to higher socio-economic growth and human development. Thus, it is very necessary to take initiatives, enact strong legislations and ensure their effective implementation to inculcate a culture of probity in governance.

Our former PM, Shri Manmohan Singh emphasized the importance of ethics in governance and said, "As a society, we must evolve to a level where probity becomes a way of life, where honesty is a routine expectation. If we have integrity, then nothing else matters, if we don't have integrity then also nothing else matters. I firmly believe that we must set personal standards of integrity as public servants and the message should flow from the top downwards and not the other way round. The values of integrity, impartiality and merit remain the guiding principles of our civil services."

There is a need for clear demarcation of responsibilities between the political executive and civil services within the framework of 'collective responsibility' in parliamentary democracy. It simply means that once a decision has been taken by a ministry, then the leader i.e. the minister must be held responsible for it. A scam cannot go unpunished or let away with punishment of bureaucrats- the 'big fish' responsible for it must not be able to get away, such should be the system. Nothing paralyzes civil services more than the possibility that every decision taken can be called into question later and viewed as a case of criminal conspiracy. The responsibility of misdeed must be established quickly and the guilty slapped with exemplary punishment.

2. Concept of Public Service

Public service is concerned with provisioning for the needs of public as per the expectations of the public. It represents one of the oldest, if not the noblest, most widespread and celebrated values in the history of humankind. In fact, civilization and public service and administration are intimately related, one reinforcing and contributing to the other. In traditional societies of the East and West, little distinction was made between voluntary service for the good of the community and remunerated work performed on a professional contractual basis. However, with development of the concept of State, a structured civil service has been central to its (State's) idea. From the times of Mauryan Kingdom, we have had an elaborate public service performing public duties.

2.1. Measuring Publicness of a Service

The expectations of public i.e. ordinary citizens from the government have been changing. Moreover, many private entities are providing services which were traditionally considered as 'public'. According to M. Shamsul Haque of the University of Singapore, following are the major dimensions along which '*Publicness*' of a service can be measured-

- The extent of its distinction from the private sector: Haque identifies impartiality, openness, equality and representation as being distinctly public characteristics.
- The scope and composition of service recipients: the greater the number and broader the scope of service recipients, Haque writes, the higher the degree of publicness, and he refers to a 'shared and universally accessible domain involving the interest of all citizens'.
- The magnitude and intensity of its socioeconomic role: the wider a service's societal impact, the greater the degree of its publicness.
- The degree of its public accountability: this goes beyond the existence of institutions to the extent to which those institutions are influenced by particular classes or sections of society.
- The level of public trust: that is, how much people trust the credibility, leadership or responsiveness of a service.

2.2. Principles Guiding Public Service

Today, public sector is employing number of ways of private sector to enhance their efficiency. Does it mean that the spirit behind the public service may get weakened? In this regard, it is essential that the following principles should guide all the civil service institutions and their personnel:

1. **Ethical Education**

Ethical education is must and should be a part of all the educational systems at all levels. However, education and training in administrative ethics are most essential for public service careers anywhere in the world. They must include both personal and administrative ethics.

On the other hand, advice to government employees should include the following:

- Educate themselves with ethical and moral principles and act ethically
- Do not compromise on principles
- Disobey unconstitutional, immoral, illegal, and unethical orders and expose them through the appropriate channels

2. **Preservation of Professional and Personal Integrity**

Professional values should prevail over questionable organizational or personal orders of superiors. This requires self-regulation, knowledge, self-control, a degree of autonomy and personal independence, and subordination of private interests to the public interest and public trust.

3. **Prudence**

Prudence requires self-controlled, discretionary decisions based on knowledge, expertise, and ethical judgment on particular situations.

4. **Public spirit**

Private interests should be subordinate to public, community interests. In making decisions or acting as an administrator, one must think of the public trust and citizens' interests first, and then think of oneself. Common good should be promoted at all times to build harmonious communities and curb social ills.

5. **Code of ethics**

Codes of ethics (CoE) in public administration are written and unwritten collections or systems of laws, rules, regulations, and norms that guide public service conduct.

It is often argued that a CoE would moralize and then codify everything, which is undesirable as it would create a dysfunctional bureaucracy. However, it is that very lack of clarity and rigidity which has created many loopholes to be exploited. A codified CoE would add objectivity. Some CoE carry sanctions for unethical behaviours, while others are more aspirational or guides to public servants. Refer to the document 'Public/Civil Service Values and Ethics in Public Administration' for detailed analysis of Code of Ethics.

6. **Internalization of a sense Total Quality Management (TQM)**

The idea of doing things right the first time should be promoted to prevent the costly error of duplicating or repeating poor quality work. A sense of motivation for public interest and self-actualization helps in internalizing the work ethics.

2.3. Conclusion

Citizens are the source of sovereignty and importantly, are taxpayers demanding accountability. They should be treated as such and not merely as consumers or customers in the marketplace. Approach to public service that focuses only on profits for a few while neglecting the vulnerable has to be proactively discouraged. Pro-poor growth policies will be inclusive only when poor are made stakeholders in growth process and not when they merely receive redistributed benefits. Markets are not alternatives to public service. Rather, sound governance, public service, and responsible citizenship are *sine qua non* of a business-friendly environment, the smooth operation of markets, effective democracy, and social peace.

Primary responsibility of civil servants is enforcement of law, provision for various public services such as food, health, education, relief during disasters, etc. Also, they are responsible for settlement of disputes and enforcement of contractual obligations. These duties boil down to exercise of power over other citizens, conferred under the statutes, which civil servants exercise in their own right under the law. They also implement programmes and policies of the government. This requires a certain level of character, a sense of justice and fairplay, transparency and accountability. To be able to deliver administrative justice, capacity for critical thinking and fairness and respect for procedures are essential qualities which must be cultivated for efficient delivery of all type of public services.

3. UPSC Previous Years Questions

1. What do you understand by 'probity' in public life? What are the difficulties in practicing it in the present times? How can these difficulties be overcome? (2014)
2. What does 'accountability' mean in the context of public service? What measures can be adopted to ensure individual and collective accountability of public servants? (2014)
3. It is often said that poverty leads to corruption. However, there is no dearth of instances where affluent and powerful people indulge in corruption in a big way. What are the basic causes of corruption among people? Support your answer with examples (2014)
4. Today we find that in spite of various measures of prescribing codes of conduct, setting up vigilance cells/commissions, RTI, active media and strengthening of legal mechanism, corrupt practices are not coming under control. (10 Marks) (150 words) (a) Evaluate the effectiveness of these measures with justifications (b) Suggest more effective strategies to tackle this menace (2015)
5. "Corruption causes misuse of government treasury, administrative inefficiency and obstruction in the path of national development." Discuss Kautilya's Views. (2016)

4. Vision IAS Test Series Questions

1. ***Ethics is the first line of defence against corruption while law enforcement is remedial and reactive. Examine the statement with suitable examples.***

Approach:

- Describe the importance of ethics and laws in preventing corruption.
- Elaborate the statement while taking a stand on it and justify with examples.

Answer:

Ethics refer to well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, fairness or specific virtues. Laws are usually based on an ethical framework and aim to bring social order while controlling the immoral or unethical behaviour of individuals in the society.

Laws act as an external set of standards and rules imposed on an individual by the government. An individual disobeying the law is liable to face the prescribed penalties and punishments and thus deter non-compliance. Laws have societal sanctions and approvals and thus have an important role in smooth functioning of the society. The fact that laws are grossly violated often by the wealthy and the powerful suggest a fundamental lack of ethics in the society.

Ethics act as a moral compass in guiding an individual even when the law is silent on the action which ought to be taken. A typical example is the role of an administrator where discretion has to be exercised. Discretion provides ample opportunities for corruption and a person with weak ethics may easily fall prey to money-making even at the cost of society's wellbeing. Therefore, ethics is the first line of defense, even if there is no law on the subject.

As another example, a government may not frame laws to dictate whether a company should make its products more environmentally safe or easier to recycle, but doing so may be the ethical thing to do. But a responsible and ethically upright organisation will consider these measures even in the absence of laws mandating the same.

Hence, it is ethics that act as a strong defence mechanism for all societies to prevent corruption whereas laws are reactive and only a remedy. A permanent solution for wiping corruption from its roots shall only come with the internalization and not from the external forces. External mechanisms remain effective till they tend to have some reward or punishments while inherited value system shall accompany lifelong.

2. *Open government is an even more comprehensive concept than transparency and freedom of information. Elaborate.*

Approach:

First, explain the concept of transparency. Then discuss the essential elements of open government. The last part of the answer should focus on how open government is even more comprehensive than transparency.

Answer:

Transparency is an essential feature of open government. Transparency means that information about the activities of public bodies is created and is available to the public, with limited exceptions, in a timely manner, in open data formats and without restrictions on reuse. Transparency mechanisms must include the disclosure of information in response to requests from the public and proactive publication by public bodies. Key information about private bodies should be available either directly or via public bodies.

But open government has two other essential elements. They are **participation** and **accountability**. Participation means that the public can engage directly in the consideration of policy options and decision making, and can contribute ideas and evidence that lead to policies, laws, and decisions which best serve society and broad democratic interests. Governments should actively seek to mobilize citizens to engage in public debate. Mechanisms should exist which permit the public to participate at their own initiative and to trigger policy debates on matters of concern.

An accountable government is one which makes itself answerable to the public, upholding standards of behavior and integrity, and both explaining and taking responsibility for its decisions and actions. Accountability requires that rules, regulations and mechanisms be in place governing the exercise of public power and the

spending of public funds. Specific and detailed measures are required to reduce corruption risks, to identify and prevent potential conflicts of interest, and to guard against illicit enrichment. There should be protections for those who expose wrongdoing.

Thus in an open government openness through transparency becomes a means to greater civic participation in an enabled environment, where there is effective free flow of information both ways to see through the working of government; and to verify whether or not public servants are meeting their obligation to expectations of citizen; All four component of accountability i.e. answerability, sanction, redress and system improvement ensure responsiveness of government and finally civic engagements in the process of governance, in the form of people's planning, participatory budgeting, corruption watch by citizen audit etc. makes it (open government) the new democratic culture of an open society toward which every liberal democracy is moving.

3. ***While discretion is necessary for effective discharge of duties, it is also a major factor responsible for corruption in administration at all levels. Comment. In this context, suggest some ways in which smooth execution of responsibilities can be ascertained while minimising corruption.***

Approach:

- First explain the meaning of discretion in administration.
- Then explain why discretion is required for effective discharge of duties.
- Explain how discretion could led to corruption.
- Finally explain measures to minimise corruption while ensuring smooth execution of responsibility.

Answer:

Discretion means the power to decide or act according to one's judgment. Indian law grants some discretionary powers to administrative authorities. Such exercise is not to be arbitrary, vague and fanciful, but legal and regular.

Discretionary powers bestowed on the administrative authorities are of a vast range. Their power serve the purpose of simple ministerial tasks like maintenance of birth and death register as well as those which seriously affect the rights of an individual, e.g. acquisition of property, regulation of trade, industry or business, inquiry, seizer, confiscation and destruction of property, detention of a person on subjective satisfaction of an executive authority and many more. The list of their functions is exhaustive in nature.

The problem of administrative discretion is complex. There has been a constant conflict between the claims of the administration to an absolute discretion and the claims of subjects to a reasonable exercise of it. Now a question is raised that how it can be control.

It can be control with two types, first judicial and other one is non- judicial. There are so many ways to control it.

Judicial Control

Judiciary must concentrate on two points. Firstly, it should direct the legislative that they do not confer wide and unlimited discretion to executive. And other is that every discretionary act must come under the power of judicial review. Judiciary can thus play a good role to control abuse of discretionary powers.

Supreme Court of India in its various judgements has held that:

- The administrative discretion should be used according to rules of reason and justice and not according to private opinion, according to law and not humor.
- It is not to be arbitrary, vague and fanciful but legal and regular.
- It must be exercised within limit to which an honest man competent to the discharge of his office ought to confine himself.

Non-judicial control

We must incorporate such rules which will be mandatory for the authority who will exercise discretion to adhere to. If legislative fails to maintain such norms in that statute to control discretion, those norms must be incorporated by administration with the help of delegated legislation. Mechanisms like code of conduct and code of ethics ensure that self-discipline is observed while exercising discretion. Various institutions like CVC, CBI, Lokpal etc. ensure that abuse of discretion is caught and punished which acts as deterrent in the future.

Hence, through the above mechanism, abuse of discretion can be curbed while at the same time flexibility is maintained while taking administrative decisions.

5. UPSC: Case Studies

1. A Public Information Officer has received an application under RTI ACT. Having gathered the information, the PIO discovers that the information pertains to some of the decisions taken by him, which were found to be not altogether right. There were other employees also who were party to these decisions. Disclosure of the information is likely to lead to disciplinary action with possibility of punishment against him as well as some of his colleagues. Non-disclosure or part disclosure or camouflaged disclosure of information will result into lesser punishment or no punishment.

The PIO is otherwise an honest and conscientious person but his particular decision, on which the RTI application has been filed, turned out to be wrong. He comes to you for advice. The following are some suggested options. Please evaluate the merits and demerits of the each of the options:

- i. The PIO could refer the matter to his superior officer and seek his advice and act strictly in accordance with the advice, even though he is not completely in agreement with the advice of the superior.
- ii. The PIO could proceed on leave and leave the matter to be dealt by his successor in office or request for transfer of the application to another PIO.
- iii. The PIO could weigh the consequences of disclosing the information truthfully including the effect on his career, and reply in a manner that would not place him or his career in jeopardy, but at the same time a little compromise can be made on the contents of the information.
- iv. The PIO could consult his other colleagues who are party to the decision and take action as per their advice.

Also please indicate (without necessarily restricting to the above options) what you would like to advise, giving proper reasons

2. A fresh engineering graduate gets a job in a prestigious chemical industry. She likes the work. The salary is also good. However, after a few months she accidentally discovers that a highly toxic waste is being secretly discharged into a river nearby. This is causing health problems to the villagers downstream who depend on the river for their water needs. She is perturbed and mentions her concern to her colleagues who have been

with the company for longer periods. They advise her to keep quiet as anyone who mentions the topic is summarily dismissed. She cannot risk losing her job as she is the sole bread-winner for her family and has to support her ailing parents and siblings. At first, she thinks that if her seniors are keeping quiet, why should she stick out her neck. But her conscience pricks her to do something to save the river and the people who depend upon it. At heart she feels that the advice of silence given by her friends is not correct though she cannot give reasons for it. She thinks you are a wise person and seeks your advice.

(a) What arguments can you advance to show her that keeping quiet is not morally right?

(b) What course of action would you advise her to adopt and why?

3. As a senior officer in the Finance Ministry, you have access to some confidential and crucial information about policy decisions that the Government is about to announce. These decisions are likely to have far-reaching impact on the housing and construction industry. If the builders have access to this information beforehand, they can make huge profits. One of the builders has done a lot of quality work for the Government and is known to be close to your immediate superior, who asks you to disclose this information to the said builder.

(a) What are the options available to you?

(b) Evaluate of these options and choose the option which you would adopt, giving reasons

6. Vision IAS: Case Studies

1. *Sandhya recently completed her B. Com. and was extremely excited to be hired for her dream job working for a Public Sector Bank. During her initial days, she began to notice that funds from grants were being mismanaged and misallocated. Some of her co-workers were also using bank property materials, including cars, for personal business.*

However, Sandhya was most shocked by the hiring practices she witnessed at the office. Applicants to the jobs were supposed to take exams that were invigilated by bank employees. Sandhya began to notice that the invigilators were allowing applicants to cheat on the tests because the applicants had already been chosen for the job. Many of these pre-chosen applicants were friends of current employees.

Sandhya reported what she witnessed to Mahesh, the Branch Assistant Manager, who was second-in-command to the Branch Manager. Mahesh told her, "You heard nothing, you saw nothing, and you say nothing." Sandhya was absolutely shocked; not only by the corruption, but that it was deliberately being swept under the rug.

Sandhya I was in a dilemma. She really needed the job to pay off loans, and she loved the actual content of the work she was doing. She was also concerned that it would look bad to leave her first job out in less than a year, as well as tarnish future chances to work in a government organization. On the other hand, she felt extremely uncomfortable in her work environment due to the culture of corruption.

(a) What are the options available to Sandhya?

(b) Evaluate each of these options and choose the option you would adopt, giving reasons.

Answer:

Sandhya is caught in a typical dilemma where she doesn't want to leave the job but cannot see such a work environment embroiled in corruption too. One should point out how overlooking this matter would mean a lot of loss to public exchequer and inefficiency in the working of the bank. As Sandhya was unsuccessful in her attempt to bring out the matter to Mahesh, her approaching the Branch Manager to report the issue seems the most appropriate option in such a situation.

Some of the options available to Sandhya are:

- a) She can ignore the matter and proceed in her usual way as this does not impact her directly and any action taken would adversely impact her personally
- b) She should report the matter to Branch manager and bring to light how she was told to keep the matter under wraps.
- c) She can resign from the job as taking either of the first steps would not leave her satisfied and in a comfortable situation
- d) Become a whistleblower. She can bring the matter to the notice of someone in the vigilance department overseeing the functioning of the bank as it is public money after all that is being squandered through such activities.

Option a) As per the rights/duty, fairness and common based approach it is Sandhya's duty to uphold the integrity of the banking system. The money that is being squandered away is public money and therefore any such activity is hurting the public interest in the long term. Additionally, the faulty hiring practices would greatly impact the working of the bank and bring down its efficiency and effectiveness further hurting the interests of the public and the society at large. It would be unethical to ignore the matter for the dire consequences it might have on the organization in future.

Even though ignoring the matter would save Sandhya from the trouble of getting into any controversy and help save her job but as discussed above it would not be healthy in the long run for either the organization or even Sandhya.

Option b) because of the following reasons: Virtue approach: integrity and honor are two virtues that one should embody and help promote. One must ask myself what is the highest state of character one can aspire to? One obviously recognizes the virtue of honesty and merit. Likewise, one should push himself/herself to think about the values one should live up to, those being integrity and promotion of merit in this particular case. Therefore, the most appropriate option seems to reporting the matter to the branch manager.

Option c) Resigning from the job does not seem a feasible option considering the fact that Sandhya has to pay off her loan and any such action would not show well on her CV and have an adverse impact on her career. It would save Sandhya the trouble of getting into any kind of problem with regards to the conscience but it would put her in a great trouble as she would be out of job and would put her and her family's livelihood at stake. Moreover, such an action would mean running away from the situation and punishing oneself for the fault of others.

Option d) Even option D seems like a possible option but whistleblowing is a double edged sword and should only be explored once all the possible options have been exploited. It may be possible that if the matter is brought to branch manager's attention, he/she may take a strict action against those embroiled in such activities. Proceeding to blow whistle on the matter without exploring this option may be taking an action in haste and puts the reputation of the bank in a danger.

2. *Big firms often undertake sub-contracting to complete large infrastructure projects in a timely manner. You recently joined one such firm as a manager responsible for awarding these contracts. Looking at the past records, you find that all contracts for the past few years have been awarded to a particular firm, X. Your superior has asked you to award an upcoming contract to the same firm. Although, not binding, company procedure maintains that sub-contracting work should be offered after competitive bids. This is to ensure that the firm most suitable for the project in terms of operations and finance gets the contract. When you discuss this with your superior, he insists that hiring of the firm X has been done as per legal norms of the company and no official rule has been violated. You decide to contact the owner of the firm X. After doing so, you realize that he is the nephew of your superior, who is also a shareholder in the company.*

(a) State the ethical issues involved in the case.

(b) Does this form of transaction between two private parties constitute a conflict of interest? Justify.

(c) Evaluate the possible ways of awarding contracts in such a situation with their merits and demerits. Also state which method would be more suitable in each situation.

Approach:

- State some of the ethical issues in the case.
- Evaluate if a situation of interest is generated due to the relationship of your superior with the owner of firm X and the knowledge of the superior being a shareholder in the company.
- Suggest ways of awarding contracts in the situation, along with their merits and demerits.
- State your eventual course of action in this scenario.

Answer:

Basic Facts: In this situation, the company where I work is repeatedly sub-contracting work to another private firm, X, without holding competitive bids, which should be carried out according to company procedures. The case highlights the issue of conflict of interest, as the owner of firm X is the nephew of my superior and is also a shareholder of the firm.

Stakeholders:

- Myself, as I am the manager of the company, with the responsibility of awarding contracts.
- My superior who is a shareholder of firm X as well as an employee of the company where I work.
- Owner of firm X as the decisions made by our company affect his business interests.
- Owners of other firms who vie for company contracts as they are not getting a fair chance in the bidding process.
- Shareholders of the company who can suffer due to poor decisions.
- Consumers who will be affected by substandard infrastructure.

(a) Some of the ethical issues involved in this case are:

- **Nepotism and compromise on professional integrity:** Subcontracts are being granted on the basis of personal relations, without competitive bids. Due to this,

there is no guarantee that the firm most suitable in terms of efficiency and financial aspects gets the contracts.

- **Lack of objectivity in decision-making:** The interests of my superior and his nephew are guiding the decision-making process of the company. There is inherent subjective bias in this scenario.
- **Legal vs Ethical:** It may be legally correct but not ethical as no official rule of the company has been violated, but, it goes against established company procedure.

(b) Transaction between two private parties generates a conflict of interest since the owner of firm X is the nephew of my superior, who has repeatedly directed that the contract be awarded to firm X. Since my superior is also a shareholder in firm X, he is invariably taking business decisions on the basis of personal relations and perceived financial opportunities. He would not be affected much due to poor performance of the company as his family is benefitting, but other shareholders and employees will be affected. Thus, personal interests are directly in conflict with interest of shareholders. Also, they are in conflict with the interest of consumers who expect quality infrastructure.

(c) Possible ways of awarding contracts in such a situation are:

- **Granting the contract to firm X as suggested by my superior.**
- **Merits:** I will remain in good terms with him, may get quick promotion and increment.
- **Demerits:** I will be unethical in my work conduct as a manager. I will also obstruct competitive bidding and play a role in eschewing probable offers that could save the company more money and get the work done more efficiently. I would be compromising my integrity and commitment to interest of shareholders, colleagues and consumers.
- **Refuting my superior and revealing his interest in firm X, while simultaneously organizing the competitive bid.**
- **Merits:** I will follow company procedure and my professional integrity will be upheld.
- **Demerits:** I will go directly against the order of my superior, who can hinder my chances of promotion in the company. I will also violate the established work hierarchy in the company.
- **The most suitable action** will be to talk to my superior about the generated conflict of interest and argue in favour of holding competitive bids. However, if he still refuses to acknowledge the gravity of the situation, I will approach the company head/board regarding the issue. This will ensure that other managers and subordinates are not in a similar position in the future. Meanwhile, I will also accept competitive bid offers and award the contract to the firm most suitable for the job. It will ensure my professional integrity and uphold the interest of all stakeholders.

3. *You are representing India in an international bidding for oil exploration in a country. Other, richer countries are also bidding for the project. You are sure that your bid of exploration is better as well as cheaper than that of others, and that you will definitely win the bid. A day before the auction, you come to know that other countries are employing every means, including bribing the authorities for being successful. Some of the officials of the home country have also contacted you and made some demands in exchange for assurance of India winning the bid. You are*

aware of the criticality of this bid in terms of domestic economic and strategic implications. Based on above information, answer the following questions.

(a) Specify the ethical dilemma(s) that you face in this situation.

(b) Do ethical concerns really matter in international transactions or are they secondary to domestic interests?

(c) What will be your course of action in the above situation? Justify with merits and demerits.

Approach:

- Identify the ethical dilemmas that you face.
- Highlight the importance of ethical concerns in international transactions vis a vis domestic interests.
- Then mention the course of action that you would follow. Justify it by taking into account the merits and demerits of the decision.

Answer:

(a) The situation in this case study presents the following ethical dilemma:

The dilemma is whether to pay the bribe vs being upright and avoid the temptation to pay.

The former action may help India win the bid, but it will be an unethical course of action and may spoil the image of the country in the long run when the truth comes out in the public. It will also have adverse consequences for India's relations with the countries involved in bidding process. Moreover, this is inimical to a healthy competition, level playing field and innovation. This action will also set a wrong example to others. The action is not only unethical but also illegal as regards to Indian laws. It may not bring in me a sense of accomplishment or content.

The latter course of action may lead to a possible defeat in the bidding process, setback for my career and economic and strategic implications for the country. But it is the right path to follow.

(b) Advocates of national interest in international relations argue that national interests are paramount. As Henry Kissinger has said: "there are no permanent ally or permanent enemies, only interests are permanent". These arguments are based on the fact that the government of a country primarily works on the behalf of its citizens and thus it is bound to uphold their interests. The political party in power has to face general elections regularly and its report card of performance evaluates not only domestic but international actions as well. Hence, national interest alone should be paramount in international relations.

However, these arguments suffer from certain inconsistencies. If the national interest alone is taken into account then wrong doings like colonization, regime change, arm twisting of weaker nations etc. will be justified. Further, there exists a wide inequality internationally and if strong nations justify their actions solely based on the national interests than this gap will further widen. Moreover, the global commons will not survive and sustainable development will remain a distant dream.

Thus, fairness, justice, apathy, sustainable development of whole world, equity etc. are ethical principles which are as important as national interests and really matter in international relations.

(c) In such situation, I will pursue the following **course of action**:

- Verifying, at my own level, the correctness of information related to bribery activities in the auctioning process.
- Informing my seniors, seeking their advice as they might have faced similar situation earlier.
- Approach the head of the authorities handling the whole process of auction and inform them about inconsistencies which has come to notice and demand a fair and transparent bidding process.
- If grievances are not addressed at that level then, after taking my seniors into confidence, we can approach other higher authorities of home country like judiciary for intervention.

I will also demand that the officials involved in bribe-seeking activities must be punished which will deter such malpractices in future. Those nations who are involved in unfair practices must also be punished (by way of fines, blacklisting them or cancelling their bids).

Justification of such course of action

In international transactions, sometimes unethical actions like bribery are also sought to be justified in the name of national interest. However, on a closer look, such actions are clearly against the national interests in reality. The revelation about involvement in bribery would jeopardize the international relations of future generations of our country.

Further, a single contract cannot be so important to our country that we sacrifice our moral standards and higher values maintained for so long. Moreover, corruption can never be the true foundation of prosperity. The gains obtained from it corrupt the whole society.

By following the stated course of action, I will display faith in the governance of home country, uphold our moral values and there will be higher chances of fair bidding process. As India's bid is better and cheaper, it will ensure India's success. It will generate the good will for our nation among the people of that country; set a right example against corruption in international transaction. Overall, it will be a right step towards the righteousness which we expect in international relations.

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CASE STUDIES: HANDLING THEM THE CORRECT WAY

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***Note:** The purpose of this document is not to tell the student what is the correct decision in a given case-study. The purpose of this document is to assist the student in answering the case study in a logical and structured manner so that there is argumentative consistency and no part of the question is left unaddressed. Answering case studies requires not only providing a solution but explaining why is it better than alternatives, in a reasoned framework. This document will help the students in developing that reasoning framework and possibly lead to answering case studies quickly and correctly.

1. Introduction

Every now and then, people are faced with tough choices. Choosing a mobile phone can be a tough choice for someone, but its implications are limited to the individual. Policy matters, like whether to make aadhar card compulsory to avail benefits of certain services, are tough decisions which have implications for the larger population. The mobile phone that you decide upon is not necessarily better in all the aspects than its competitors, but there must be a reasoned explanation why you chose it over others. As civil servants, you will be expected to take decisions which have widespread impact. You must be able to quickly arrive at a decision which is just and fair, backed by knowledge of law and policy. The way to arrive at just and fair decisions is through reasoning and arguments. You should be able to analyse the merits and demerits of options available to you and then put forth the best amongst them as your decision.

The case studies in the examination generally require you to act in a certain position. At the same time, there are other stakeholders as well. Every person or institution/body involved in a situation has different objectives and motives which they seek to satisfy. They have their own vested interests and preferences. Many times, these interests are in conflict with each other.

Discussions about ethical issues are often driven by situations that challenge our abilities to determine the right thing to do. We are expected to take an ethical decision which may not be easy and straightforward or layout a strategy which minimizes ethical obstacles in future.

Even though each case study is unique in itself, we can use a systematized approach to answer them effectively. The framework for answering discussed below will help you to arrive at ethical and practical solutions and present them in a lucid manner.

2. Framework for Analysis

Case studies present a situation where some ethical dilemma is involved. An ethical dilemma is a situation involving two possible choices, neither of which is unambiguously acceptable or preferable. For example, knowing fully-well that if I help someone in road accident case, I will be subjected to intense questioning by the police, which is going to be harrowing experience, what should I do? If this question is merely 'asked' (such as a case study in Paper IV), we may be tempted to answer it in the most ethical way; however, our reaction in a real situation may be more selfish. Taking the injured person to the hospital can save her life and should be of paramount importance. But realizing that I may be harassed by the police later on, I can change my mind. I may also try to convince myself that someone else might take her to hospital, and try to lessen my own duty. Neither of the choices is unambiguously acceptable and carries some demerits. Recognition of these demerits is extremely important for a complete, argued solution. It is important because as a civil servant, you are expected to deal with situations in totality. One will be expected to know what his/her responsibilities are as well as does one have adequate power and authority to carry them out?

Similarly, on witnessing corruption in public service, an honest employee may be compelled to expose the wrongdoing through whistleblowing, but that can jeopardize his career. He may bow

down to the pressure, which can be beneficial in his career progression, but that will produce internal dissonance. Corruption is an ill of the society as well as economy. It is recognized as such everywhere. However, it has come to be accepted as a necessity to grease the wheels of the economy (according to 2nd ARC). Can such a justification be enough for a civil servant to push the instances of corruption under the carpet? Absolutely not.

Most of the students recognize these merits and demerits. Then what is the correct way of presenting your answer?

3. Decision-Making

Foremost it is important to recognize that Case studies primarily check two aspects:

1. Your awareness- about the issue, what powers and duties you have and what rules are already there, and,
2. How logically you put forth your arguments.

Importance of logic and arguments cannot be underestimated in ethics. Almost everyone who has prepared thoroughly for this exam has some idea about what *should be* THE RIGHT THING TO DO in a given case study. Still the marks show high variation. The difference lies in arguments and presentation. Almost everyone will want to help an accident victim (mentioned above). But one cannot simply 'tell' what needs to be done. One must also explain **why** should this particular course action be chosen and not the other one.

Further, almost all the situations that a civil servant faces have some precedents. Most of the time, there are rules which guide action. Discretion has to be exercised in only a fraction of cases. Case studies present the problems where you will have to argue for your decision based on facts, rules, logic and values. Arguing for your decision has to be in a rational framework. This rational framework requires recognition of not only your rights, duties and responsibilities but also of your authority. An engineer in a Public Works Department is not a Police Officer or a District Magistrate. A common man cannot pass orders on someone. A District Magistrate cannot make a policy.

World Development Report (WDR) 2015 – 'Mind, Society and Behaviour', highlights three important principles of decision making ¹:

1. **Thinking Automatically** - Much of human thinking is automatic and depends on whatever comes to mind most effortlessly
2. **Thinking socially** - People are deeply social and are influenced by social networks and norms
3. **Thinking with mental models** - most people do not invent new concepts; rather they use mental models drawn from their societies and shared histories to interpret their experiences.

No one model of decision making is sufficient to arrive at a decision. If one is driving, one may need to make quick and automatic decisions. But if one is civil servant responsible for making policies, he/she will have to factor in different aspects – desirability of the objectives, cost involved – financial as well as social & environmental, side-effects – intended and unintended, and scope for feedback and improvement. Also, one must recognize the inherent biases that may creep in arriving at a decision. These can be in form of norms which one assumes as factual and inviolable. For example, while designing education policy, one might consider that all students exposed to similar learning will have similar learning outcomes – which is rarely the

¹ The detailed explanation of these principles is given at the end of this document.

case. So merely focusing on infrastructure and teacher quality will not eliminate the problem of low learning standards. It will definitely help in improvement, but learning abilities of students should also be considered and adequate avenues be provided to students to excel in the fields of their aptitude and choice. Therefore, exposure to various situations can help develop more and better mental models. While answering the case study, one should have a mental model of a civil servant. What is that mental model?

A case study is essentially a set of decisions that you have to make. As such, the student is given a certain role – responsibility and the authority to carry it out. And while giving the solution, one must be able to think from various perspectives.

First, you yourself are a rational, thinking individual – what are your personal beliefs and preferences in a given situation?

Next, you are a senior civil servant (in most cases, or at least aspire to be one and therefore those qualities must be reflected in your answer) whose allegiance lies first with the constitution of India and the laws & rules duly framed. One is duty bound to carry out the agenda set forth by the government, but if the orders conflicts with the constitution/laws/rules, the civil servant must not only not carry it out but also prevent it from being carried out within his legal-rational means.

Next, you are also a leader in the given situation who has a responsibility to do the right thing, achieve the targets set for the team and be accountable for your actions. Accountability lies not only to the government (political executive) but also to the judiciary as well as the people. The rigorous examination process is meant to test whether you are suitable to take decisions in a pressure situation and exercise the powers that will be conferred on you judiciously and fairly, with the guarantee of meeting the objectives set.

4. Case Study – Dealing with a Water Emergency in Bogota, Columbia

The way this was handled illustrates how policy approaches can both undermine and nurture cooperative behavior.

In 1997, part of a tunnel providing water to the city collapsed, triggering a water shortage emergency. The city government's first action was to declare a public emergency and initiate a communication program warning inhabitants of the coming crisis. While this step was intended to promote water conservation, it instead increased both water consumption and hoarding. Recognizing the problem, the city government changed its communication strategy, sent around volunteers to educate people about the most effective conservation measures, and began publicizing daily water consumption figures and naming individuals who were cooperating with the effort, as well as those who were not. The mayor appeared in a television ad taking a shower with his wife, explaining how the tap could be turned off while soaping and suggesting taking showers in pairs. These strategies strengthened cooperation, and reductions in water use persisted long after the tunnel was repaired.

The purpose of this case study is to open the mind of the student towards different approaches to a problem, what can be the possible challenges, even when the intention is right and to recognize the shortcomings and improve the course of action.

5. Structure of the Answer

Case studies can be from any field – administrative, science/medical, sports, corporate, etc. However, a common thread is that there are conflicting interests which you, the decision maker, are faced with and most of the time you will have to make a choice. In the paper, either there is

a list of the possible choices, each one of which has to be evaluated on merits and demerits, or one has to self-formulate the choices first and then evaluate them. Finally, an argued plan of action has to be provided.

We would like to clarify at the outset that no one structure of case-studies is perfect. Different people use their own methods and have fared well. There is no ideal answer or answer format either. In fact, time constraints in ethics paper leave little scope to have an ideal answer. However, with practice and some smartness, one can answer the case studies in a near impeccable manner. There are certain best practices, which can be followed. For example,

- Having a pre-memorized list of common dilemmas, conflicts, values and precedents which you can reproduce in the answer quickly
- Maintaining a logical flow in the answer- It helps in arriving at an argued solution in lesser time
- Recognizing the merits and demerits of different ways to handle the dilemmas. Only after one recognizes the demerits can one actually address them. This is the argumentative aspect of the answer. Here one can bring out the relative preference of principles and values that one uses to handle the situation.

What should be a good structure of the answer? It depends on the format of the case study. Here we are considering a broad type of case study in which you (the writer) have been given a role of a decision maker and have to write about various options available and finally have to choose amongst them based on merits and demerits.

General structure of answer in a case study:

1. *Facts of the case*
2. *Stakeholders and their interests*
3. *Ethical dilemmas before the decision maker*
4. *Possible courses of action, their merits & demerits*
5. *Chosen course of action – Merits as well **addressing** the demerits*
6. *Conclusion – values which are upheld, benefits that accrue.*

Take for example a situation in which a newly recruited engineer (i.e. you) in Public Works Department notices corruption at managerial level. He notices use of lower quality material than certified as well as awarding of contracts in an unscrupulous manner. He finds out that even the top management is aware as well as party to the corrupt practices. His repeated pleas to the relevant authorities on the malpractices do not elicit any interest and he is advised to not interfere in administrative matters and stay silent. What should he do?

What should the subheadings be? - The general structure of the answer:

1. **Identify the facts of the case-** This task is very important because it helps separate facts from biases and stereotypes that we may have. Many times, when we witness the term 'politician' in the question, we may have the tendency to associate corrupt practices with him. However, if the case study does not mention any wrong doing on his part, we cannot assume this to be true. In our answer, we must explore an optimistic possibility – but that will still be a possibility, not a fact.
2. **Identify the stakeholders in the situation and their interests.** This exercise helps in recognizing different people (including self) or institutions that will be affected in any course of action. These people have varying interests, sometimes common, sometimes conflicting. Although ultimately the decision will be taken solely on merits and not on

individual or group preferences, but identifying the interests of various stakeholders helps one understand the broader picture and take a more reasoned decision.

3. **Identify the Ethical dilemmas.** This is the core aspect of the case study. An ethical dilemma is a situation in which a difficult choice has to be made between two courses of action, either of which entails transgressing a moral principle. It is a decision-making problem between two possible moral imperatives, neither of which is unambiguously acceptable or preferable. For example, a soldier may face an ethical dilemma: *leave his post under attack to help save his father's life, or follow his sense of duty?*

Once we identify various stakeholders and their interests, it becomes easy to identify the dilemma- should I do X or Y, should I prefer value A over B, or should I give benefit to person 1 or 2? Neither of the choices is unambiguously correct, but it has to be made and reasoned.

Please Note- An ethical dilemma should be presented in form of conflict of values rather than the resulting conflict of actions i.e. preferring value A v/s value B rather than doing X (which is a consequence of preferring value A) v/s doing Y (which is a consequence of value B). In the situation of the soldier mentioned above, it would mean that the ethical dilemma is Professional duty v/s personal responsibility rather than staying at post v/s tending to his father. When we write the actions, we end up repeating what is already there in the problem statement.

4. **Identify the various plans of actions, their merits and demerits.** Once we are able to list down the dilemmas, it becomes clear as to what possible courses of action will we choose. At its simplest, it would be giving higher priority to a particular value over the others, and the consequential course of action. Formulating these courses of action becomes straightforward if we have chronologically followed the above order and identified ethical dilemmas.

While writing merits and demerits, students are advised to focus on consequences (i.e. events) as well as values. Consequences are not those that are given in the case study, but are events which have higher possibility of occurring once you choose a particular course of action. In the soldier case, the merit of choosing to stay will be a higher chance of thwarting the enemy and protecting the nation, reflecting patriotism as an apex virtue and showing a sense of commitment towards duty. Demerit will be potential loss of life of his father accompanied by a possible lifelong internal guilt of not doing enough.

Doing nothing or resigning from post is also a decision which many students write in the answers. It is not an ethical decision because it does not resolve the situation, only delays the consequences, creates internal dissonance and reflects a weak, selfish personality.

5. **Decision making- Identifying the course of action.** Once we identify merits and demerits of the given/formulated courses of action, it gives us a direction about which plan to choose. Important aspect here is not just repeating what has already been written above but to go further. Once we have chosen the plan, which we think is right, it is imperative that we address its demerits. As a civil servant, you will not only be expected to do what is right, but also minimize what all wrongs may emerge. You are accountable for the decision- to your senior authority, to judiciary, to the government as well as the people. Whatever your decision is, you will be expected to know and explain why you chose it over the other possibilities. Has your decision been made through the due process or is it arbitrary? Is it based on the principles of neutrality, objectivity and impartiality or does it smack of bias? Further, even if it meets all the rules and regulations, are there any fallouts? How do you plan to minimize the demerits and losses? – All this information is necessary while you are explaining your decision.
6. **Conclusion-**It is advisable to end the answer with a reflection of values. Student may add a few lines about the values that have been upheld- constitutional and civil service values

such as empathy, dedication to public service, fraternity, leadership in difficult situations, sensitivity and interest towards other cultures, etc.

Structure of answer for the given case study

1. Facts of the case:

- There is corruption in the PWD in awarding contracts and use of low-quality material
- The top management is also involved.
- His complaints are going unheard and he has been asked to keep silence on the issue

2. Stakeholders and their interests:

- Myself (Engineer) – To work in an honest & healthy environment with opportunities for career growth and to uphold defined quality standards in projects. Besides, there is a personal interest to ensure security of job.
- Senior Management- those who are aware of the malpractices would like to keep the misdeeds concealed; those who are not a party to corruption would want to preserve integrity of the department. As is reflected from the case study's language, it appears that atleast some persons in the senior management would like the current corrupt arrangement to continue.
- The Department (PWD) - The department/institution would like to be manned by people with honesty and integrity, those who can perform work with efficiency. It will also like to complete projects on time and adhere to proper standards in their construction.

3. Ethical Dilemmas faced by the PWD Engineer- should he sacrifice the public interest or try to end the corrupt practice by direct personal confrontation? Should he blow the whistle on the practitioner of corrupt practice or keep silent when he finds out that administrative powers are being misused? Possible dilemmas include-

- Upholding professional values or succumbing to personal interest to maintain his career
- Obeying directives of the seniors or follow his own personal values

There is **breach of trust** in the public office if he chooses to gloss over corruption. Moreover, it may create **cognitive dissonance** whereby he may be under constant guilt for tacitly being a party to it.

4. Options before the engineer: The temptations of the engineer may incline him/her to act in a certain manner. These can be:

- Being a party to corruption-** Commission of crime which entails punishment can never be a rational choice, still it is a test of character and will in the given circumstances.

- Merits-** This will bring monetary benefits and may be of help in career progression through the good rapport developed with senior management.

- Demerits-** Apart from being illegal and blatantly wrong, even the benefits are not certain. Corrupt practices do get caught, more so in the era of increasing accountability. This will invite departmental action and even lead to dishonorable termination from service. Moreover, in the event of getting caught, everyone will try to save themselves first, and he being a newly recruited engineer may find little support in the senior staff.

b. To approach the departmental anti-corruption body

- Merits-** Addressing corruption through the departmental channels should be the first step. It serves as a mechanism to ensure accountability of all employees.

- Demerits-** Firstly, there is burden of proof on the person and it is unethical, even illegal to put allegations without substantive proof. This approach may backfire. Secondly, there is no surety that this department may not be compromised as the top management already knows and is party to corruption. Moreover, once the complaint becomes official, the seniors may not be very positive about performance evaluation.

c. **To leak the details of corruption to media**

- i. **Merits-** This method will give anonymity and therefore chances of personal backlash are less. Also, media being very powerful, it will help to create public pressure about impartial enquiry and punishment of dishonest officials.
- ii. **Demerits-** This is a breach of organizational rules and bypassing the procedure. An individual is not bigger than the organisation. Also, in absence of credible information, media may not be very interested in the case and may downplay it as an accepted practice. Moreover, this is too serious an issue to be trusted to media persons, whose credibility is itself uncertain.

5. Preferred course of action:

Upholding trust in a public office is the duty of officeholder. Abetting practices that undermine trust is dereliction of duty. The course of action that I would choose in the given situation will be the one exposes corrupt practices and leads to reaffirmation of confidence in the department.

I will approach the vigilance department and submit a written complaint along with whatever proofs I have. Based on this, I will appeal for an enquiry into the matter. It is the duty of the enquiry committee to seriously look into the allegations made, investigate with impartiality and arrive at proper conclusion in a time bound manner. I am also duty bound to accept their findings.

There may be possibilities that the enquiry committee's constitution is delayed or that it itself comprises of people against whom allegations are made. I will pursue the matter continuously with the vigilance department unto satisfaction. In the extreme case, I may also consider complaining to the State/Central Vigilance commission and putting pressure through filing RTI. However, I should also emphasize that the demand is of an impartial enquiry and not necessarily declaring the alleged persons guilty.

As far as career progression is concerned, it is determined by evaluation of performance based on objective parameters. Both contribution to the department as well behavior at workplace are important. I will try my best to contribute to both by having a strong work ethic as well as maintaining a positive working environment.

6. Conclusion:

By following the above course of action, I would have upheld my duty towards the office as well as the personal values that I stand for. It also reflects perseverance in the face of adversity as well as brings out the traits of courage, selflessness and integrity, which are hallmarks of qualities in an individual, more so in a person entrusted with a public office.

Example 2

You, a manager in one of the top IT firms in the country, are tasked with hiring new recruits for an upcoming project. You find that the company has given tacit instructions of not hiring female candidates in view of the new maternity law passed by the Government. You find this highly objectionable and lodge a protest with people in the higher management but they are firm as they want to cut down all the unnecessary costs.

Based on this information, answer the following questions:

- (a) Identify the stakeholders and their interests in the situation.
- (b) What are the dilemmas that a recruiting manager may face in such a scenario?
- (c) What are the different options available to you? Which one will you pursue and why?

Approach:

- List stakeholders like the hiring manager, the company, female candidates, Government and the society. List their interests.
- Discuss the dilemma(s) you are facing.
- List the available options, analyze each in the light of given circumstances and ethical conduct. Choose the one which you may pursue.

Answer:**(a)**

Stakeholder	Interest
Company/Higher Management	Company's interest is to maximize profit by lowering down cost incurred per employee. In the case of female employee the cost of maternity leave is to be borne by the company. Hence the higher management wants to avoid hiring female candidates.
Hiring Manager(Myself)	My first interest is to hire suitable candidates for the listed positions irrespective of the gender. Avoiding confrontation with management while standing up to unjust policies is the dilemma faced in such situation.
Female Candidates	Their interest lies in seeking a fair chance to get the job at the company. In the long run they expect equity in hiring and promotion and a safe working environment.
Government and the Society	These stakeholders seek gender equality at workplace; For this it is important that issues arising out of maternity be redressed adequately via legislation(s) and social change. Though various maternity legislation may ensure assured maternity leave, flow of regular income and job security, it alone cannot bring out the societal change required for a gender vibrant culture at workplace.

(b) Dilemma- Accepting the higher management's dictum and avoiding any female candidate v/s being fair and appointing a suitable candidate irrespective of the gender.

Additionally, I may also face the dilemma of forgoing a better candidate just because of gender. This will lead to loss of productivity and will incur a long-term cost to the company. The associated dilemma is the larger issue of gender biasness in society due to patriarchal attitude conflicting with the idea of equality and progress which demands change. It's important to promote gender diversity at the workplace; however, the current instructions by the company go against this principle.

(c) Different options available:

1. Rejecting female candidates- Though with this option I will avoid confrontation with the higher management, this would be contrary to basic human rights and the constitutional ethos of equality. This would filter out many genuine candidates and will constrict the candidate pool. This smacks of short-sightedness and narrow-mindedness.
2. Hiring a suitable candidate objectively and without discrimination- This will ensure that the most competent and deserving candidate are hired for the job.

Option which I will pursue: Confrontation is not the way out; persuasion is. The most appropriate way to persuade will be through attitudinal change, which however, is very difficult in the immediate term. But if I can objectively demonstrate that costs associated with hiring women employees are not significantly higher as compared to men and that productivity is independent of gender, I will be able to start the process of attitudinal change. I will take the help of HR department, and if required, the governing board of the company in the matter.

Regarding recruitment, I have to be objective in my assessment of candidates, not biased w.r.t. gender. They will be assessed based on their ability as well as job requirement. If the job profile does not demand a particular gender requirement, the tacit instructions should not carry much weight and may in fact be contrary to the policies of the company. I will report such instructions to the HR as gender discrimination is not only illegal but also vitiates the organizational culture and social image of the company. Additionally, I will undertake gender-sensitivity drive by involving my peers especially the working women in my organization. By doing so I would have upheld the dictum of 'Be the change you want to see'.

Example 3

You are a young civil servant posted in a tribal dominated district, which is notorious for illegal mining done by mafia. They exercise their power over poor tribals of the region by bribing the local tribal musclemen who have political aspirations. The consequent easy money and luxury have ensured that these musclemen work in the interest of mining mafia. They use these 'tribal' musclemen as a 'front' to plant 'constructed' news in the media to create confusion or to gain sympathy of the civil society activists and the public at large. It is a strategy to thwart any concrete action of the government for eliminating the menace of illegal activities in that area.

You quickly understood these designs after assuming the office. You came to know that some employees in your own office are in nexus with mafia. When you initiated stringent action against the mafia they turned hostile. They prompted few tribal musclemen to file a fake FIR against you under the stringent provisions of the 'Prevention of Atrocities Against SC and ST Act'. They also convinced the unsuspecting poor tribals that the state was 'again' launching atrocities against them. These poor tribals were eventually tutored to write a complaint to the National and State Commission for ST, a copy of which was leaked to the media.

This could easily become a very hot issue for the opposition parties in the state as the Assembly Elections were due only 6 months later. Unfortunately, all this can have grave consequences for your career.

- (a) Bring out and discuss the ethical issues involved in the above case.
- (b) What steps will you take in pursuance of the most appropriate closure of this case?

Approach:

The basic ethical issue involved is perseverance. You know something to be right and want to pursue it, even in face of adversity. The adversity here is personal integrity, commitment and professional progress at stake. Answer should reflect the awareness (as a Civil Servant) that such fabricated cases are a part and parcel of duty in a sensitive area, and thus should not impact one's functioning – a reflection of strong emotional character. Political leadership should be taken into confidence, rather than worrying for political results. The focus of the answer should be on ways to pursue the case successfully rather than listing the qualities of a civil servant like empathy, etc.

The answer should consist of the following parts:

- The facts of the case
- The major ethical issues involved
- The course of action, with reasoning

Answer:

The facts of the case are-

- There is illegal mining in a tribal district.

- The nexus of mafia, local leaders and some people in your office want to thwart your attempts to stop it. The local leaders are bribed.
- There is a fake FIR against you and a tutored complaint to National and State Commission for STs.

The ethical issues involved here are –

1. The illegal mining being done in the district is a loss for the State as well as the local community. It favours only a handful of people (mining mafia, local musclemen and compromised employees of State). While taking on the mining mafia with stringent legal action is the commendable, taking the tribal population into confidence is equally necessary. As an administrator, one must be aware of the situation in totality and not just aim for immediate & conspicuous objectives. Thus, without adequate awareness campaign inciting local confidence in administration, the effort towards eradication of illegal activities will go in vain. Moreover, the failure will further alienate the tribal confidence in government and thus make any future action requiring tribal cooperation even more difficult. In other words, the fear of the local population should be assuaged amicably.
2. Local musclemen thrive on two things – (i) finances from illegal activities, and (ii) disconnect between the state and the population. Although such people apparently represent local populations, their true intentions must be exposed. These people may even enjoy legitimacy among the population and a state action against them risks widening of gap between government and the people. Therefore, they must be tackled carefully and systematically.
3. The substantive issue in the case is illegal mining, which must be stopped, not the fabricated case. One must deal with fabricated cases with confidence and they should not impact his/ her performance. In fact, one must be ready to face hurdles in such endeavours. The 'Prevention of Atrocities Against SC/STs Act' provides for recourse to the High Court for quashing of such fake FIRs. Legally, therefore one should not be worried. However, in the event of elections in the State, the government may try to intervene and play into the hands of the opposition. As mentioned above, a setback to the case at this stage will not only let the mafia go off the hook, but also legitimise the local musclemen and widen the gap between local population and State. The ethical issue that comes out is how can one remain motivated and committed in such a situation – where the employer, the peers and the effected allegedly conspire against him?

Right course of action towards closure of this case –

The right course of action would involve the following steps:

1. A strong case should be built against the illegal activities of the mafia. The scope of investigation should be wide, covering the local musclemen as well as government servants. With full cooperation from the investigating and prosecuting agencies, the case can be pursued quickly and the culprits exposed. This will bring facts to the centre and certainly help changing the public opinion as well as ensure political cooperation (both government and the opposition).
2. Elaborate awareness campaigns about the government policy regarding mining should be carried out so that cooperation of general public can be ensured without the intervention of local musclemen. Their complaints to the SC/ST Commissions should be addressed rather than quashed. Proper and point-wise response to all queries should be provided and made public. Their fears must be assuaged and a negative campaign must be countered. This will bring credibility to the administration in its action against offenders.
3. For self-motivation in such circumstances, adherence to truth and having confidence of the team is important. Perseverance as well as leadership qualities will have important bearing

on the outcome of the case. One must know that legally he/she is on a strong footing and such hurdles are expected. To address insecurity arising out of political meddling, one must concentrate on the first two points.

By adopting this course of action, I would uphold my constitutional, legal as well as moral responsibility. Pursuing the course with courage, integrity and conviction will be a win-win situation for all – the local people, the Government and I. It will increase the confidence of people in democracy and the State institutions. Besides, it will also lead to development of my personal competence.

6. UPSC Case Study (2015)

There is a disaster prone state having frequent landslides, forest fires, cloudbursts, flash floods and earthquakes, etc. Some of these are seasonal and often unpredictable. The magnitude of the disaster is always unanticipated. During one of the seasons a cloudburst caused a devastating floods and landslides leading to high casualties. There was major damage to infrastructure like roads, bridges and power generating units. This led to more than 100000 pilgrims, tourist and other locals trapped across different routes and locations. The people trapped in your area of responsibility includes senior citizens, patients in hospitals, women and children, hiker, tourist, ruling party's regional presidents along with his family, additional chief secretary of the neighboring state and prisoners in jail. As a civil services officer of the state, what would be the order in which you would rescue these people and why? Give Justifications.

Solution:

The case presents a challenging situation and the ethical dilemma with regard to choosing among victims for relief work. In such situation the ethical principle I would adhere to is, "degree of vulnerability and equal respect of all lives". The groups identified in the given case are themselves diverse, and therefore no action can be taken treating the entirety of group as one. Vulnerability can be assessed on case by case basis. Therefore, for example, the needy and fragile senior citizens will be given preference over better capable women and children. Accordingly, a general order of people needed to be rescued will be:

- 1. Patients in hospitals:** Since they were already under medical supervision hence they need rescuers first attention in order to save their lives and continue their medical treatment.
- 2. Women and children (including tourist, family members of regional presidents and prisoners):** They are the second most vulnerable group who need to be rescued. The women primarily have to take care of children in condition of distress and medical attention after rescue.
- 3. Senior citizens (including tourist, family members of regional presidents and prisoners):** They need to be rescued next as they cannot tolerate long waiting period without compromising with their health.
- 4. Tourist:** They need to be rescued next as their family members must be worried about them and they have to go back to home.
- 5. Prisoners in jail:** they are doubly imprisoned in this situation; first by prison and second as victim of nature. If they are left, there are bleak chances that they might be saved being dependent on administration for daily survival.
- 6. Additional CS:** It is a post of high responsibility. Further, since the CS is from the neighboring state, it is probable that many from his state are amongst those who are stranded. His availability to the administration may be vital. On the other hand, it is expected of him to behave in an exemplary manner and put service before self. In his case, even though there may be a conflict of interest, I will consider his own opinion.

7. **Regional presidents of ruling party:** Regional presidents will also be rescued according to their vulnerability and capability. As a group, they are public servants who have the responsibility to ensure the public safety of common men first.
8. **Hikers:** They are generally well stocked for challenging environment, apart from being more capable to face adversities. Moreover, their strengths can be utilized in relief and rescue operations. They should be the last.

----X---X---X----

****Explainer on three modes of Decision making as mentioned in WDR (P.S. This is only additional information, not so much relevant from solely examination perspective)**

Automatic thinking: It causes us to simplify problems and see them through narrow frames. We fill in missing information based on our assumptions about the world and evaluate situations based on associations that automatically come to mind and belief systems that we take for granted. Civil servants must have capacity for observation for quick and correct appreciation of facts and understanding of situations. One must also exercise caution as in so doing, we may form a mistaken picture of a situation. As a driver of car, one may need to make quick decisions, but as a civil servant making policy for the country, one cannot rely solely on intuition and untested assumptions.

Thinking Socially: Individuals are social animals who are influenced by social preferences, social networks, social identities, and social norms: most people care about what those around them are doing and how they fit into their groups, and they imitate the behavior of others almost automatically. Many people have social preferences for fairness and reciprocity and possess a cooperative spirit. These traits can play into both good and bad collective outcomes- increasing trust in a society also requires cooperation and an increased corruption also requires cooperation. An official must be able to prioritise in the face of adversity, which requires appreciation of diversity and an empathetic attitude.

The tendency of people to be concerned with and associate with each other adds realism to the analysis of human decision making and behavior. In a case study presented for analysis, this aspect is exploited many times – someone does you a favour – are you expected to pay him/her back by not reporting their misdeeds? People often behave as conditional cooperators—that is, individuals who prefer to cooperate as long as others are cooperating. As a civil servant, getting cooperation from a person or a group may be required, but a quid-pro-quo cannot be the principle of that cooperation.

Similarly, social preferences and social influences can lead societies into self-reinforcing collective patterns of behavior. These patterns can be desirable as well as undesirable. When they reinforce trust and shared values, social cooperation is helpful. On the other hand, racial or ethnic segregation can also result from such self-reinforcing social behavior. Hence, there is a need of a set of 'official doctrines' of preferences, usually laid down in executive manuals, to avoid situations which undermine public trust. For example, Civil service Conduct Rules, 1964, Flood relief manuals in states.

Thinking with Mental Models

When people think, they generally do not draw on concepts that they have invented themselves. Instead, they use concepts, categories, identities, prototypes, stereotypes, causal narratives, and worldviews drawn from their communities – i.e. they use mental models drawn from their societies and shared histories to interpret their experiences. Mental models affect what individuals perceive and how they interpret what they perceive.

Mental models come from culture. Culture serves as a set of interrelated schemes of meaning that people use when they act and make choices. Mental models and social beliefs and

practices often become deeply rooted in individuals. We tend to internalize aspects of society, taking them for granted as inevitable “social facts” – think for example the notion of ‘higher’ and ‘lower’ castes. People’s mental models shape their understanding of what is right, what is natural, and what is possible in life. Social relations and structures, in turn, are the basis of socially constructed “common sense,” which represents the evidence, ideologies, and aspirations that individuals take for granted and use to make decisions.

Because mental models are somewhat malleable, interventions can target them to promote developmental and ethical objectives. Individuals have many different and competing mental models that they can bring to bear on any situation; which one they use depends on which one the context activates. Exposing individuals to new ways of thinking and alternative understandings of the world can expand the available set of mental models and thus play an important role in development.

In most cases, as has been mentioned earlier, is the question of applying extant policies and rules to a given situation. A proactive mindset is essential to deal with such a situation, armed with capacity of appreciation of facts and laws and an ability to foresee the consequences, both positive and negative. The rules and policies are founded on societal values. Ethical issues arise when expediency and shortcuts are preferred over reasoned judgement, which reflects selfishness, a conflict of interest, a question of character and not merely a conflict of values, rather a weak character unable to distinguish between what is fair and just and what is not.

7. UPSC Previous Years Question Papers: Case Studies

1. Suppose one of your close friends, who is also aspiring for civil services, comes to you for discussing some of the issues related to ethical conduct in public service. He raises the following points:

(i) In the present times, when unethical environment is quite prevalent, individual attempts to stick to ethical principles may cause a lot of problems in one’s career. It may also cause hardship to the family members as well as risk to one’s life. Why should we not be pragmatic and follow the path of least resistance, and be happy with doing whatever good we can?

(ii) When so many people are adopting wrong means and are grossly harming the system, what difference would it make if only a small minority tries to be ethical? They are going to be rather ineffective and are bound to get frustrated.

(iii) If we become fussy about ethical considerations, will it not hamper the economic progress of our country? After all, in the present age of high competition, we cannot afford to be left behind in the race of development.

(iv) It is understandable that we should not get involved in grossly unethical practices, but giving and accepting small gratifications and doing small favours increases everybody’s motivation. It also makes the system more efficient. What is wrong in adopting such practices?

Critically analyze the above viewpoints. On the basis of this analysis, what will be your advice to your friend? 250 words.

2. You are the Executive Director of an upcoming Infotech Company which is making a name for itself in the market. Mr. A, who is a star performer, is heading the marketing team. In a short period of one year, he has helped in doubling the revenues as well as creating a high brand equity for the Company so much so that you are thinking of promoting him. However, you have been receiving information from many corners about his attitude towards the female colleagues; particularly his habit of making loose

comments on women. In addition, he regularly sends indecent SMS's to all the team members including his female colleagues. One day, late in the evening, Mrs. X, who is one of Mr. A's team members, comes to you visibly disturbed. She complains against the continued misconduct of Mr. A, who has been making undesirable advances towards her and has even tried to touch her inappropriately in his cabin. She tenders her resignation and leaves your office.

(a) What are the options available to you?

(b) Evaluate each of these options and choose the option you would adopt, giving reasons.

3. Land needed for mining, dams and other large-scale projects is acquired mostly from Adivasis, hill dwellers and rural communities. The displaced persons are paid monetary compensation as per the legal provisions. However, the payment is often tardy. In any case, it cannot sustain the displaced families for long. These people do not possess marketable skills to engage in some other occupation. They end up as low paid migrant labourers. Moreover, their traditional ways of community living are destroyed. Thus, the benefits of development go to industries, industrialists and urban communities whereas the costs are passed on to these poor helpless people. This unjust distribution of costs and benefits is unethical. Suppose you have been entrusted with the task of drafting a better compensationcum-rehabilitation policy for such displaced persons, how would you approach the problem and what would be the main elements of your suggested policy? (2016)
4. Saraswati was a successful IT professional in USA. Moved by the patriotic sense of doing something for the country she returned to India. Together with some other like-minded friends, she formed an NGO to build a school for a poor rural community. The objective of the school was to provide the best quality modern education at a nominal cost. She soon discovered that she has to seek permission from a number of Government agencies. The rules and procedures were quite confusing and cumbersome. What frustrated her most was the delays, callous attitude of officials and constant demand for bribes. Her experience and the experience of many others like her has deterred people from taking up social service projects. A measure of Government control voluntary social work is necessary. But it should not be exercised in a coercive or corrupt manner. What measures can you suggest to ensure that due control is exercised but well meaning, honest NGO efforts are not thwarted? (2016)

8. VISION IAS Test Series: Case Studies

1. ***You are posted as a District Education Officer (DEO) in a Maoist affected district. You have been specifically given the responsibility to work on the literacy mission. After reading the education reports and doing field visits, you find that the number of out of school children has increased drastically and the motivation among students and teachers is also low. While certain basic infrastructure is already in place, the major hurdle in attracting students to these schools include the attitude of inhabitants towards education and the security risks involved in sending children to schools. Given the situation, answer the following questions:***
 - (a) ***Analyse the reasons behind such an attitude.***
 - (b) ***As a DEO, what are the steps that you would take in order to increase the school attendance and change the prevalent attitude of inhabitants towards education?***

Approach:

- Brief case analysis in the introduction including stakeholders as well as issues faced in education.
- Analyse the reasons for such an attitude.
- Discuss the steps that should be taken by the DEO.

Answer:

The given case presents a dilemma of development in violence affected areas. For example – education in such areas are not just dependent on the availability of whole infrastructure and affordability and distance of school from home. Ensuring safety is equally important. Further, this is a case where the output, in form of infrastructure is already there, but the outcome in form of education is missing.

(a) Factors which shape the attitude which has led to reluctance in attending schools are:

- Legitimacy of state is still debatable among many sections of society in such areas. Even when it is there, the violent elements use fear to instill negative attitude towards state and its organs.
- Lack of trust in the state in general and education system in particular.
- Further, curriculum is not rooted in their culture and thus they don't identify with modern education.
- Livelihood is majorly dependent on forests which they feel do not require modern education given in schools.
- They only have unskilled employment opportunities in nearby areas. Thus, they see no point in wasting resources on education.
- Lack of higher education opportunities as the number of colleges are not adequate.
- Fear for safety of their children as well as harassment.
- Poor school infrastructure, absence of book and stationary and number and quality of teachers do not attract students to school.

However, few people have optimistic attitude towards education as well. They see it as a way out and an integrating force with mainstream. Thus given certain opportunities they are ready to send their children to school, as seen in the case of Dantewada where literacy indicators showed significant improvements.

(b) Steps that would be taken to increase the school attendance and changing the prevalent attitude of inhabitants towards education:

- **Involving influential people** of the society and **roping in NGOs**, which can help bridge the trust divide between state and people.
- **Redeveloping of destroyed educational institutions** and provide full infrastructural support required by students.
- **Securing the school premises:** By requesting the government to station troops around the school to inspire confidence in public about safety.
- **Residential schools:** their establishment takes care of day-to-day needs as well, which helps a student focus completely on learning.
- **Building ecosystem:** such that students passing out of the schools have better livelihood opportunities or have accessible options to go to different colleges.
- **Scholarship:** to ensure bright students are not left behind for the want of money for enrollment in schools and college.

- **Targeting students:** Out of school students, orphans, internally displaced etc. should be targeted with different approach as they don't constitute a homogenous group. Use of Midday Meal schemes, free distribution of stationary to attract children to schools.
- **Continuous monitoring:** using monitoring cells in local administration and ensure reporting to the higher authorities to maintain accountability
- **Teacher training:** they should not only be qualified but also be sensitive towards the situations faced by the children.
- **Awareness generation:** through cultural and community engagements, using posters and pamphlets, community radio etc.

These measures when dovetailed with good governance and efficient utilization of funds will ensure attitudinal and behavioral shift towards education.

2. *Regulation and procedure of human clinical trials vary from nation to nation. Stem cell research, as an emerging biomedical field, requires approval for human trials and encounters multiple challenges. You are the head of a team of scientists who developed a new Tissue Engineering system, which appears to be a promising means of regenerating heart tissue. Trials of the system have already been conducted on animals and yielded good results. Millions of people suffering from critical heart diseases would benefit immensely if this medication is immediately made available to them. However, you need to conduct human clinical trials before it could be commercialised. It is also known that the stringent regulatory environment in the country will mean that human trials and final approval will take many years before it is made commercially available. On the other hand, regulation of clinical trials in many poor countries is weak and quick approval is possible. Many of your competitors also resort to human trials in these countries, often bribing the officials for getting quick approvals. Given this situation, answer the following questions:*
- (a) *Identify the ethical issues which arise during clinical trials.*
- (b) *Given the above situation, would you prefer to shift human trials to a third country where regulations are lax? Give reasons in support of your choice.*
- (c) *Suggest a framework of standard procedure to minimise ethical conflicts and speed-up the approval process of new medicines.*

Approach:

- Give a brief introduction about human clinical trials and identify the ethical issues in clinical trials.
- Discuss the merits and demerits of shifting lab location and state your final stand on shifting the lab from the home country.
- Give a framework of standard procedure to minimise ethical conflicts and speed-up the approval process of new medicines.

Answer:

Case Summary: I am the head of a team, which developed a new system which will help people suffering from heart diseases. Before being made available commercially, it has to undergo clinical trials on humans, for which strict regulations have to be adhered. Alternatively, weak regulation in poor countries will result in quick human trials and approval there and many competitors are doing the same including use of bribes.

- (a) Clinical trials are the tests on human volunteers to see whether new medical treatments should be approved for wider use in the general population. Various ethical issues associated are:
- **Moral duty** to perform honest clinical trials for welfare of a large population.
 - Humanity is an end in itself (Gandhiji). Using people from the bottom strata of society for undertaking considerable risks in lieu of minor payments degrades humanity. The end result may improve general population's health, but the costs in form of exploitation, which may even cause death is wrong.
 - Ethical concerns regarding **informed consent** in poor countries.
 - Medicine is governed by certain ethos, which includes that first consideration of physician should be health and life of patient. She should not do anything, which impairs patient's health. Clinical trials may weaken the normative foundations of doctor-patient relationship in the long run.
- (b) In the current case, the scientists have developed a new technology to regenerate heart tissues, which will provide new lives to millions of people who are suffering from critical heart disease. However, fewer regulations and corrupt governance in poor and developing countries pull scientists to open their labs and conduct trials in these countries. The merits and demerits of such practice are as follows:

Merits

- The costs are lower in poor countries. So, the developed medical treatment would be cheaper. For example, clinical trials in India could cost one-tenth of that in US.
- Availability of "**treatment-naive**" patients i.e. drug-free bodies in third world countries. They are much less likely to have been previously exposed to drugs or trials.
- The developing countries get benefits of advanced medical science and access to the latest medications.
- The process of clinical trials is quicker in developing countries because getting regulatory approvals is easier. It shortens the development time of medical treatments.
- It would make this cure quickly available to people suffering from critical heart diseases.

Demerits

- **Consent:** Most of the time, people in poor countries give their consent without understanding the contracts as they are written in foreign languages, without understanding the risks.
- **Economic Compulsion:** Sometimes poverty is responsible for the poor selling their body for clinical trials. The blind faith for western medicine also plays a role in their decision-making.
- **Poor healthcare system:** The risks are too high in clinical trials. However, poor healthcare system in the third world increases their vulnerability in cases of complications and side effects arising out of experiments on their bodies.
- The reliability of data obtained in third world countries is also questionable because of lax monitoring.
- Fewer regulatory safeguards, high levels of poverty and illiteracy encourage misconducts and substandard approach by foreign drugs companies.
- Bypassing professional ethics and an established procedure raises doubts on integrity. Competition may tempt to opt for unfair means like bribes to get approval.

As can be seen, there are a number of advantages of shifting the trials to countries where costs are cheaper and regulations less stringent. However, laxity in procedures should not be the motive for shifting trials. It would save lives of millions of people and improve accessibility of cure through cheaper cost. So, it is prudent to shift laboratory to country with easier regulations.

However, I will use the same safeguards and precautions which are used in developed countries, encompassing every aspect from informed consent, side-effects' treatment, compensation in cases of errors, etc. I would make sure that no illegal practice is done and ensure strict action for any breach.

Thus, I would be able to ensure greater benefits to people at large without compromising with the safety and well being of people who have put trust in me.

(c) Framework of standard procedure

- **Social Value:** Study should help researchers determine how to improve people's health or well-being.
- **Scientific Validity:** Research should be expected to produce useful results and increase knowledge. Researchers should design their experiments to be as good as possible.
- **Fair Subject selection:** Researchers should be fair in both recruiting and deciding which people can be in the study.
- **Favourable risk benefit ratio:** For research to be ethical, any risks must be balanced by the benefits to subjects, and/or the important new knowledge society will gain.
- **Independent review:** Researchers sometimes overlook ways they could improve their research results. To avoid such problems, a group of people who are not connected to the research are required to give it an independent review
- **Informed Consent:** Subjects must be told about the details of the study. They should voluntarily agree to participate and give informed consent.
- **Respect for subjects:** Regular health monitoring along with maintaining confidentiality of information would impart trust.
- **Data Sharing:** Data from past researches should be made available to others. It would exclude the need for new trials for similar drugs thus speeding the process of drug approval. This clause must be ensured in WTO negotiations on data exclusivity.

3. *Ramesh, a very hardworking person, is the sole bread earner in his family. He has worked with an oil company's local affiliate for several years, and has established a strong, trustworthy relationship with Suresh, manager of the local facility. Suresh has recently recommended Ramesh to be recruited as the corporate consulting engineer for the company, which would be a position of greater responsibility along with a stable income. During a casual conversation, Suresh mentions an incident in the 1960s wherein 10,000 gallons of a petrochemical was leaked into the local environment by the company due to negligence, though at the time no damage was found, and no mention of this leak was made to the press. When Ramesh mentions that the state law requires him to report all spills, Suresh reminds him that no harm had been done and reminds him that the company can't have a consulting engineer who does not value loyalty and respect confidentiality.*

(a) Identify the ethical issues involved in the given case.

(b) What are the options available to Ramesh in this situation? Evaluate each of them.

(c) Had you been at Ramesh's place, what would have been your course of action? Give reasons for the same.

Approach:

- Analyse the case and identify the key ethical issues involved.
- List the options available to Ramesh in a given situation and bring out the positives and negatives of each available option.
- Give the course of action and give arguments to justify your course of action.

Answer:

Involved Stake holders

- Ramesh, Suresh, the oil company, the government and the general public.

(a) Ethical Issue involved

1. Self-interest vs public interest

Provided that Ramesh is the only earning person in his family and his source of income is not stable; he is not in position to lose his job. But, if he considers his job, he is showing apathy towards public interest which lies in reporting the incident.

2. Moral values vs organisational ethics

Ramesh will be having the conflict between his belief in personal values and the organisational ethics. Even if, he follows any one of them he will be doing injustice with the other.

3. Negligence to state laws vs responsible citizen

Being a responsible citizen of the country, it is his duty to show respect for the public laws by reporting the issue. But, to save his job he will neglect the state laws.

(b) Options Available

1. Remain silent on the issue

Merits

- Since it happened long back and nobody was affected, it may be argued that raising the issue now would be pointless.
- Following the advice of Suresh would mean that Ramesh's relationship with him, both personal & professional, would not be affected.
- It may also pave the way for further promotions.

Demerits

- Such inaction shows lack of respect for state laws which require reporting all such incidents.
- Also such action may pave the way for future where such leaks are not reported.

2. Convince Suresh to report to the Government

Merits

- Reporting such incidents shows respect for state laws.
- Ramesh's personal relationship with Suresh will remain unaffected.
- It would lead to detailed investigation for assessing the impact of the leakage.

Demerits

- It may jeopardize the professional career of both Ramesh and Suresh.

3. Talk to his senior or director**Merits**

- It will also give a chance to senior or director to take suitable actions to correct the earlier wrong happenings.
- It shows that Ramesh is trying to exhaust all available avenues where he can justify his own values and responsibilities as a citizen.

Demerits

- He may face resistance in the company against him as the company has not reported this incident till now.

4. To become whistle blower and reveal the incident**Merits**

- He will ensure his actions towards abiding by the state laws as responsible citizen.
- He will be able to save environment and risks to people's lives, if there were any adverse effects later.

Demerits

- He may lose his job and destroy his relationship with Suresh permanently.

(c) Best Course of Action

Considering the gravity of the situation, I would have tried to convince the seniors for reporting the incident to the government which then can assess the damages done to the environment and public. This would also mean that wrongdoers would be punished for their actions. This will also set an example for others to work following the rule of law. However, it may mean that I might lose my job. At the same time, it must be noted that in such cases public interest is more important which cannot be compromised at any cost.

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