

Edited by :
Dr. Merina Islam

The Religious-Philosophical Dimensions

CPPIS
Pehowa (Kurukshetra)

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Centre for Positive Philosophy and Interdisciplinary Studies
(CPPIS), Milestone Education Society (Regd.), Pehowa
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8. PUBLIC SERVICE VALUES AND ETHICS IN PUBLIC ADMINISTRATION

Desh Raj Sirswal

Ethics is an attempt to guide human conduct and it is also an attempt to help man in leading good life by applying moral principles. Ethics refers to well based standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues. Ethics is related to issues of propriety, rightness and wrongness. What is right is ethical and what is wrong is unethical. Value is an important conception in ethical discussion. Values relate to the norms of a culture, but they are more global and abstract than norms. In certain cultures norms reflect the values of respect and support of friends and family. Different cultures reflect different values. Over the last three decades, traditional-age college students have shown an increased interest in personal well-being and a decreased interest in the welfare of others. Recently, the department of personnel and training has decided to change the pattern of the Civil Services Examination by stressing more on general studies and aptitude skills. A notification has been issued in this regard. From this year the Civil Services (Mains) will also have a separate paper on “ethics, integrity and aptitude”. The notification for the 2013 exam said the “paper (on ethics, integrity and aptitude) will include questions to test the candidate’s attitude and approach to issues relating to integrity, probity in public life and his problem-solving approach to various issues and conflicts in dealing with society”. There are six major sections (i) Ethics and Human Interfaith, (ii) Attitude, (iii) Emotional Intelligence, (iv) Contributions of Moral thinkers and philosophers of India and World, (v) Public/Civil Service Values and Ethics in Public Administration and (vi) Probity in Governance. In this paper an attempt is made to describe the values needed in public service sector and ethical principles might use in public administration and related to the V section of this syllabus.

INTRODUCTION

Presently the world is facing leadership crisis. We do not find a humanitarian global mindset of leaders in present times and that is the reason by which many material developments is facing the crises of ethics, values and humanity. When we think of our values, we think of what is important to us in our lives (e.g., security, independence, wisdom, success, kindness, pleasure). Each of us holds numerous values with varying degrees of importance. A particular value may be very important to one person, but unimportant to another. Values are beliefs. But they are beliefs tied inextricably to emotion, not objective, cold ideas. Values transcend specific actions and situations. They are abstract goals. The abstract nature of values distinguishes them from concepts like norms and attitudes, which usually refer to specific actions, objects, or

situations. Values guide the selection or evaluation of actions, policies, people, and events. That is, values serve as standards or criteria.

Meaning of Value

Defining a concept is, normally assisted by identifying its etymological source. However, the source of values is an issue of considerable ongoing debate in ethical philosophy. The many interpretations of the term determine that identifying a robust definition of what is meant by values is no easy task. The Oxford English Dictionary refers to the ‘principles or moral standards of a person or social group’. Using a definition from Rokeach and Kernaghan defines values as those ‘enduring beliefs that influence the choices we make among available means or ends’.

It is a fact that Indian society is facing a tremendous value crisis today due to personal greed, selflessness, indifference to others, clash of interests and laziness that have brought about a large scale corruption in almost all shapers of life-personal and public, economic and political , moral and religious.¹ The Government of India’s report on Value Based Education (Chavan’s Committee Report, 1999) submitted in both houses of Parliament, provided impetus to resume work on value orientation of education. The National Curriculum Framework for School Education (2000), echoing the National Policy on Education (1986), lamented the “erosion of the essential, social, moral and spiritual values and an increase in cynicism at all levels.”² Indian culture is rooted deeply in her spiritual values. In modern times also, the creative experience of Vivekananda, Tagore, Aurobindo, and Mahatma Gandhi are luminous landmarks in the field of man-making education in India. The one value underlying all these great personalities is selflessness, sacrifice and service. All of them were living examples.³

ETHICAL CODES FOR ADMINISTRATORS

While defining codes Stuart C. Gilman says, “In each case codes carry general obligations and admonitions, but they are far more than that. They often capture a vision of excellence, of what individuals and societies should be striving for and what they can achieve. In this sense codes, which are often mistaken as part of law or general statements of mere aspiration, are some of the most important statements of civic expectation.”⁴ Describing the relation of codes and a profession he says, “When applied to certain classes of people – public servants, doctors – codes are the ultimate terms of reference. They are the framework upon which professions are built. Often codes are what professionals use to make the claim that they are “professionals” and are often the founding document for a profession, e.g. the Hippocratic Oath.² While it is true that not all such oaths are codes, it is often the case that codes are built into oaths or other related ceremonies related to become a professional. They can be found in the ceremonies ordaining religious leaders in many faiths, and in swearing the oath of office for many political leaders around the world.”⁵

In democracy, every holder of public office is accountable ultimately to the people. Such accountability is enforced through a system of laws and rules, which the elected representatives of the people enact in their legislature. Ethics provides the basis for the creation of such laws and

rules. Also, in a democracy any person holding a public office derives his authority and power because of people. The organization must offer a positive ambience to the employees for them to concentrate on their work rather than interfering in each other's work. An ethical administrator will consider the full range of standards and values that are relevant to handling a specific matter and be committed to upholding both the spirit and the letter of this code. There is an example of *American Society for Public Administration* Codes for their members to be followed—

Advance the Public Interest: Promote the interests of the public and put service to the public above service to oneself. Serve all persons with courtesy, respect, and dedication to high standards.

Uphold the Constitution and the Law. Respect and support government constitutions and laws while seeking to improve laws and policies to promote the public good.

Promote democratic participation: Inform the public and encourage active engagement in governance. Be open, transparent and responsive, and respect and assist all persons in their dealings with public organizations. Be open and transparent while protecting privacy rights and security.

Strengthen social equity: Treat all persons with fairness, justice, and equality and respect individual differences, rights, and freedoms. Act affirmatively to reduce unfairness, injustice, and inequality in society.

Fully Inform and Advise: Provide accurate, honest, comprehensive, and timely information and advice to elected and appointed officials and governing board members, and to organizational superiors.

Demonstrate commitment to duty, principle, and personal integrity: Adhere to the highest standards of conduct to inspire public confidence and trust in public service. Exercise integrity, courage, compassion, benevolence, and optimism.

Promote Ethical Organizations: Strive to attain the highest standards of ethics, stewardship, and public service in organizations that serve the public.

Strive for Professional Excellence: Strengthen individual capabilities to act competently and ethically and encourage the professional development of others.⁶

A proper and detailed code of ethics should be developed for civil servants mentioning about various do and don'ts by civil servants while performing their duties. It should clearly list various standards which are expected from a civil servant. The training system should be adapted and developed for inculcating ethical values in newly recruited civil servants.⁷ This is an example of ethical codes which are very relevant in present scenario to be adopted for every govt. and private organizations for public welfare and proper implementation of their policies and schemes. In a welfare state like India, this is a need of the hour to create and implement of this types of professional ethics codes to be implemented in administrative and social sector, as

we are facing many problems and dishonest professionals who are not responding to the national welfare.

PUBLIC ADMINISTRATION AND ETHICS

Globally the concept of privatization has been promoted in new public administration. It is seen that this concept is related to the measures which promote establishment of efficiency and efficacy leading to development of quality deliverance of public services. In the research conducted by Savas (2000), the concept of “privatization in new public management”, is promoted. This type of privatization maneuver not only challenged the current realities associated with ethics in public administration, wherein administrators were considered as technical professionals, but also identified the type of functioning that does not take into account good judgment on the part of employees. Accordingly, intellectual proponents of the ethical perspective were responsible for the first noteworthy approach of public administrators’ ethical obligations and the importance of citizen participation in administrative decisions (Cooper, 2004).⁸ In Indian context the following will be the major points to be considered: The growing group of basic tenets or aspects that unite and restructure the procedure of handling ethical dilemmas in public governance are: (1) democratic answerability of governance, (2) the application of law and the notion of legality, (3) official honesty, and (4) alertness to civil society needs.

Civil servants have a special responsibility because they are entrusted with managing resources on behalf of the community, delivering services to the community and taking decisions that affect a citizen’s life. The community, therefore, must be able to trust the integrity of the civil service decision-making process. Civil servants are expected to maintain high standards of professionalism, responsiveness and impartiality. 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 Nolan Committee, which outlined following Seven Principles of Public Life:

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 material benefits for themselves, their family or their friends.

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.

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.

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 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.

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.

Leadership : Holders of public office should promote and support these principles by leadership and example.⁹

Practice of Probity:

Probity means integrity, uprightness and honesty. Maintaining probity in procurement involves more than simply avoiding corrupt or dishonest conduct. It means ethical behaviour that upholds public values and ensures impartiality, accountability and transparency. Transparency and accountability in procurement gives suppliers confidence to participate in the Government marketplace. An ethical culture minimises the cost of managing risks and enhances confidence in public administration. Ensuring probity of action is part of every public official's duty, with the adoption of processes, practices and behaviour that enhance and promote public sector values and interests. In short we can also said in order that the public officials perform their duties honestly and efficiently and become an instrument of service to the people they need to possess universal values as mentioned above. They need in particular the following fundamental values:

- Devotion to Work,
- A sense of Mission and Focus
- Integrity and Honesty
- Fearlessness and Courage
- Spirit of Service and Sacrifice

INITIATIVES IN INDIA

There are lots of discussion available in India also regarding the code of conduct of a civil servant. B.P. Mathur in his thesis "VALUES and ETHICS FOR PUBLIC SERVICES"¹⁰ discussed very important points related to this issue. I am hereby quoting some of his important evaluation:

"While the Central Government has issued conduct rules for government employees known as Central Civil Services (Conduct) Rules 1964, it does not lay down values which civil services should follow or a code of ethics. The rules are more in the nature of "do's" and "don't". The rules are totally inadequate to deal with cases of malfeasance or misconduct of public servants as they give numerous escape routes for the unscrupulous. It is time to discard these rules and bring a new code of ethics for civil servants.

First Initiative for Code of Ethics- May 1997

The Department of Administrative Reforms of Government of India, had prepared a Code of Ethics for public services, as part of an Action Plan for an Effective and Responsive Government¹¹ 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 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. The principles laid down in the code were laudable. Unfortunately they were not issued as a Code of Ethics for public servants.

Second Initiative for Public Service Values - Public Service Bill 2006

In 2006 the department Of Personnel drafted a Public Service Bill¹² 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:

- a) allegiance to the Constitution and the law, democracy, nationalism, sovereignty, integrity of India and the security of the nation;
- b) function in apolitical manner;
- c) Act objectively, impartially, honestly, equitably, and in a fair and just manner;
- d) Act with integrity and in a courteous and just manner;
- e) Establish high standards, and ensure quality service, effective working and prompt decision making;
- f) Be accountable for the decisions;
- g) Establish merit as the fundamental principle in employment, promotion and placements;
- h) 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;
- i) Provide honest, impartial and frank advice to political executive;
- j) Ensure that public money is used with utmost economy and care;

The Public Service Bill has not made any headway and seems to have gone in cold storage. One problem with the draft bill was that it intended to fulfill too many objectives. Apart from values and ethics, the Bill envisaged to lay 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.

Second ARC on Ethics

The Second Administrative Reforms Commission in its 4th report (2007), “Ethics in Governance” has extensively 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”. ... 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”¹³. 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 provision 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 (Para 16.17). The Code of Ethics should include: integrity, impartiality, commitment to public service, open accountability, devotion to duty and exemplary behaviour(Para 17.5)¹⁴.... 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.”¹⁵ A high moral standard of conduct among the public servant necessary so as to set an example for the people at large. Integrity and discipline in the service and political neutrality are very important for an effective personnel system.

Good Governance and Ancient Indian Ethical Codes

These days the idea of good governance got the interest of academicians, economist and thinkers of the world. The objectives of the good governance are happiness, justice and welfare of the people. The means for good governance is promotion of rational will and moral power of the people. It is also matter of concentration that “the end of good governance is not ‘greatest happiness of greatest number’ but tolerates and respect for minorities, consensus on social and constitutional goals and above all ‘Antyodaya’.”¹⁶ Indian ethos have a very rich and old tradition which is more than 3500 years old. Much of these ethos are derived from the ancient Indian scriptures like the Vedas, Upanishads, Ramayana, Bhagavad Gita, Manusmriti, Arthashastra, etc. In these scriptures we can find ideas related to society, ideals of state, qualities of a good ruler etc. are mentioned. L.N.Sharma and Sushmita Sharma have given ten indicators identified by Kautilya which contribute to attaining good governance. These indicators are very

useful in present time also and these can be an ideal model for good governance. Kuatilya's conception of 'Rajrishi' is very important for a good king and it similar to the conception of 'philosopher king' given by Plato.¹⁷ The indicators of good governance are given below as mentioned in the *Kautilaya Arthasastra* :

- i. King must merge his individuality with duties
- ii. Properly guided administrator
- iii. Avoiding extremes without missing the goal
- iv. Fixed salaries and allowances to the king and public servants
- v. To maintain law and order it the main duty of king,. Theft losses to make good from kings' salary.
- vi. Carrying out preventive punitive measures against corrupt officials.
- vii. Replacement of ministers by good ones by the king
- viii. Disciplined life with a code of conduct for king and ministers
- ix. Lays great stress on appointment of Amatyas who were the highest in status. There were selected on merit with great care.
- x. Emulation of administrative qualities like uniformity in administrative practice, competent ministers the king possessing qualities of leadership, intelligent, good moral conduct and physical powers.¹⁸

The qualities a leader must possess was well laid down by *Chanakya*, the revered scholar in political science who gave this world, the first management text in the form of "*Arthashastra*" which was written around 4th century B.C. According to Chanakya, a King (a leader) should be a "*Rajarishi*" which means a king (a leader) who is wise like a sage. Like a sage, a leader must have self-control having conquered his senses and at the same time should be well-educated in the various branches of knowledge. He should cultivate his intellect by associations with elders and keep his eyes open through spies. He should ensure the observance of *dharma* (*righteousness*) by the people by authority and should avoid associations with harmful persons and indulging in harmful activities.¹⁹ When we are discussing about values and ethics in Public administration, we have to concentrate on the following points:

What is the present status of ethical codes in the way of promoting good governance and what problems faced in implementing these codes?

Both government and private institutions follow these codes so that we can have a good output. If any differences happened, should be eradicated by analysis.

Every profession should have awareness of laws, rules, regulations and conscience as sources of ethical guidance.

The idea of accountability and ethical governance will get the first order in all discussion. Administrators should try to strengthening of ethical and moral values in governance.

We conclude our discussion with this quote, “Public administration is a profession that offers and unusually rich variety of opportunities to make moral or immoral decisions, to make ethical or unethical choices, to do good or evil things to people. We ask that, if you enter the field, you remember to also yourself how people will be helped or hurt by your decisions. Few questions are more important in any context, but in the context of public life of the nation none is more important.”²¹

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