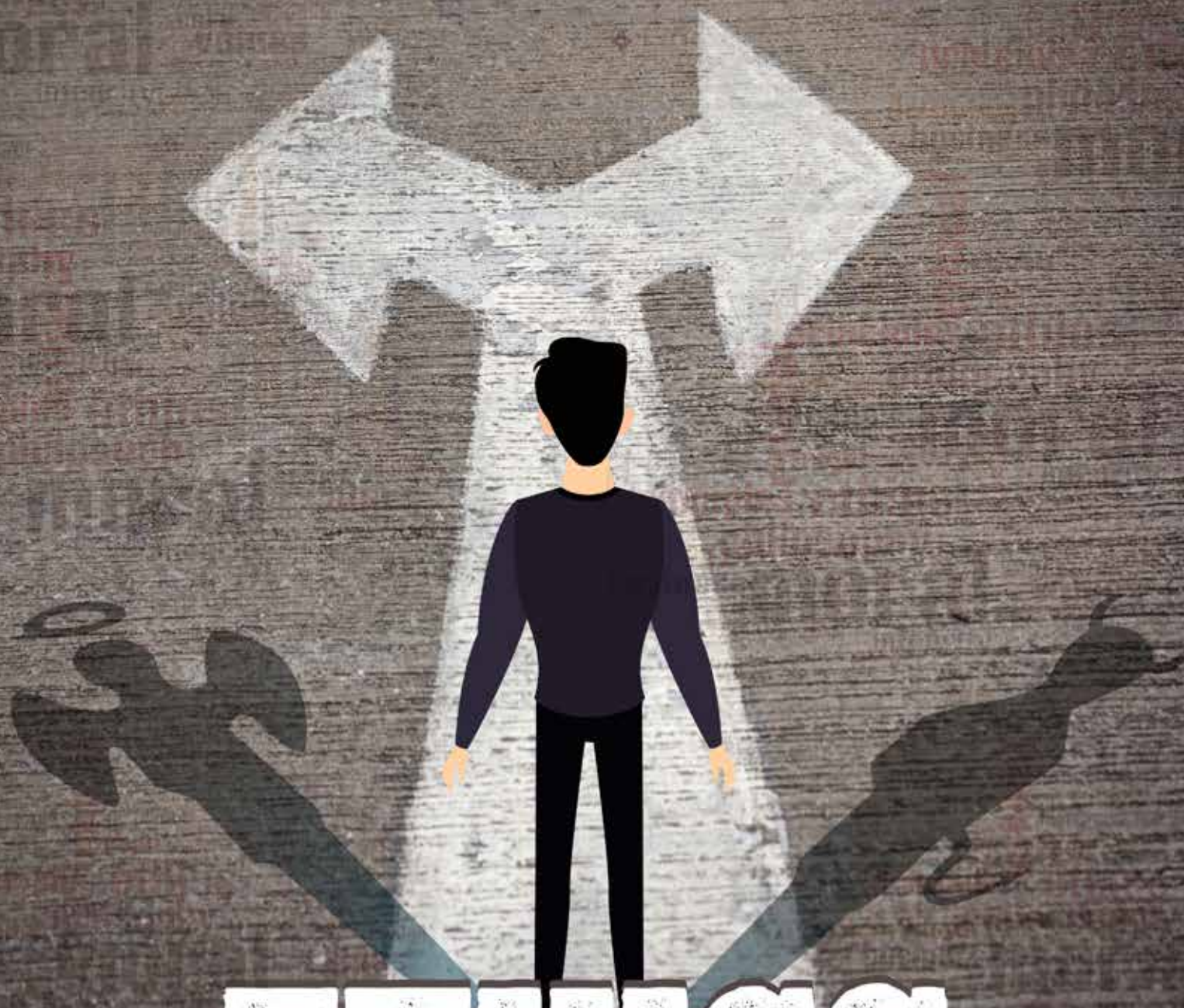




ETHICS

Updated Value Addition Material 2020

**Ethics in Administration- Sources,
Aptitude and Foundational Values**



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ETHICS IN ADMINISTRATION- SOURCES, APTITUDE AND FOUNDATIONAL VALUES

Student Notes:

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Note- This document shall cover the following topics from the UPSC syllabus-

- Ethics in Public Administration; Public/Civil Service Values; Laws, Rules, Regulations and Conscience as Sources of Ethical Guidance
- Aptitude and Foundational Values for Civil Service, Integrity, Impartiality and Non-partisanship, Objectivity, Dedication to Public Service, Empathy, Tolerance and Compassion towards the weaker sections.

1. Introduction

Professional ethics of a public administrator encompasses the standards of behaviour and conduct that are crucial for the performance of his/her public duties. It includes ideas and actions to make things right and a behaviour that reflects a sense of public administration. Ethics in public administration traditionally has been divided into two schools, the normative and the structural.

- **Normative perspective:** Drawing upon organizational development, examines how ethical values are inculcated and put into operation in organizations.
- **Structural approach:** It probes formal-legal arrangements, primarily regulatory and legal prescriptions and prohibitions through which governments seek to channel and control administrators' behavior.

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.

2. Source of Ethical guidance in Administration

There are various sources which show us the light in terms of what constitutes ethics in administration. Firstly, we shall discuss some contributions from India and West. After that, we see how laws, rules, regulations and lastly conscience can act as a source of ethical guidance.

2.1 Indian sources of ethical guidance

There are various contributions from India, where one can draw important facets for ethical guidance in administration such as-

- **Concept of Dharma:** The idea of the State was based on dharma as it laid emphasis on duty and righteousness.
 - The main purpose of the State is welfare of the nation, protection for the vulnerable sections of the society.
 - Indian theorists stressed upon the prime necessity for the ruler and his ministers of **conquering personal desires** for pleasure and power.
 - The **Mahabharata** says **self-discipline** and the conquest of the self is greatest of dharma.
 - Rather, the state should aspire to achieve the following-
 - **Prabhava** — for promoting advancement and growth of all beings;
 - **Sarankshan** — for maintaining and giving security to all beings;
 - **Ahimsa** — Freedom from violence.
- **Kautilya-** In his treatise on statecraft i.e. **Arthashastra**, he has discussed various aspects of ethical governance and elaborated on the roles and duty of every stakeholder in the state. Some these can be seen as-
 - **Code of conduct-** It prescribes a detailed code of conduct for the king.
 - **Traits of an ideal king-** The king should have self-control, open mindedness and seeks advice from his council of ministers.
 - He should stay ever active in promoting the security and welfare of the people.
 - He ensures the observance of dharma by the people, by authority and by example.

Student Notes:

- He improves his own discipline by continuing his learning in all branches of knowledge and endears himself to his people by enriching them and doing good to them
- **Importance of civil service-** in providing good administration. Only persons with unimpeachable character, possessing highest personal qualities of leadership, intellect and energy, will seek service with the king.
- **Equity in Taxation:** While emphasising need for wealth collection, Kautilya underlines the principle of equity in taxation.
- **Mahatma Gandhi-** Mahatma Gandhi's philosophy, applied in its true spirit, provides answers to the problem of social and economic crisis which India as well as the entire global community is currently facing. Some critical guidance can also be taken from his principles such as-
 - **Decentralized Governance/Self Governance-** Gandhi believed in a decentralized development model as it helps consequences of development reach everyone and **promotes equality and social harmony**
 - **Social Control of Business-** Gandhi was not opposed to private ownership of industries and business, he advocated social control of business so that profit generated are equitably distributed and prevents concentration of wealth in the hands of few people, which leads to exploitation
 - **Rural-centric governance:** Agriculture and small-scale industries being the prime employer in the rural area should be focused in development agendas.

2.2. Western sources of ethical guidance

Some important contributions were made by western thinkers and theories, such as-

- **Virtue Ethics-** It talks about external and internal goods.
 - The creation of internal good by virtue ethics may at time hinder the development of external goods. For example, cultivation of justice and fairness within the institutions may harm the private interests of the stakeholders.
 - The external good here can be riches, power or fame. In such circumstances, political rulers and others would punish public administrators for acting with virtue.
 - Virtue Ethics, however has internal rewards, internal good such as contentment, happiness, job satisfaction etc that no one can take away from the public administrator.
- **Paul Appleby's Idea of Democratic Morality-** As per him, a free state, where the various private interest think only about maximizing their own good and refuse to consider common good, is likely to self-destruct over time unless the nation's leaders and the bureaucracy act to focus public policy on the public interest.
 - For a free state to remain a free state, virtuous public servants, who shared common social ethics of concern for the public interest, were essential.
 - To avoid the moral corruption of the society out of inherent conflicts of interests, public servants must maintain democratic morality.
- **Weber's Idea of Bureaucratic Morality-** As per him, bureaucracy should be a goal-oriented institution designed according to a rational principle. The bureaucrats should be guided by explicit rules and responsibilities which should override moral and ethical norms of personal conscience.
- **United Nations Code of Conduct for Public Officials** categorically states that a public office is 'a position of trust, implying a duty to act in public interest' and 'public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws and administrative policies.

2.3. Laws, Rules, Regulations as sources of ethical guidance

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).

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.

Purpose of a law is to promote the common good and societal welfare as well as protect individual rights.

Difference between law and regulation or ordinary rule:

- 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.
- 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.

2.3.1. How Laws, Rules and Regulation are a source of ethical guidance:

- **Regulate discretionary use** of resources to fulfill personal needs.
- **Laws command both action and inaction:** 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.
- **Help clarify the values** to be used and procedure to be followed.
- Modern laws are founded on the **libertarian principles** and therefore foster, liberty, equity, equality and social justice.
- Rules and regulation for example **communitarian laws have legal sanction** and therefore are embodiment of social values which deserves preservation.

2.3.2. Limitations of Laws, Rules and Regulations:

- **Teleology** says 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.
- 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**.
 - 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.
- 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

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.

Student Notes:

When is a law doubtful?

There are **four principles** that apply and the actor is at liberty to follow the principle that appeals most.

- 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.
- 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.
- 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.
- **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.

2.3.3. Constitution of India as the supreme law of the land

The Preamble to the Indian Constitution promises securing to all citizens: **Justice, social, economic, and political; Liberty of thought, expression and belief, faith and worship; Equality of status and opportunity; and promote Fraternity, assuring dignity of the individual.**

These ideals can be secured only if holders of public office, both the elected representatives as well as public servants, entrusted with the task of running the government have ethical moorings.

Constitutional Morality

The term 'constitutional morality' has often been invoked by Supreme court in India for striking down laws which could be termed as manifestations of popular morality. But this term is not found in our Constitution. Nevertheless, we find mention of the word 'morality' in the Indian constitution at various places (Article 19, 25 and 26). Dr. B R Ambedkar used 'Constitutional Morality' multiple times in 'Parliamentary debates.

Constitutional morality is the morality of the constitution. It is the substantive content of a constitution in the form of ethical ideas that underlies formal provisions. To be governed by constitutional morality for a society is to be guided by ethical ideas carried by constitution e.g. justice, liberty, equality and fraternity can be taken as element of our modern constitutional morality.

2.4. Conscience as a source of ethical guidance

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.

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.

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.

Difference between Conscience and Law:

- While law focuses on principles of morality outside human beings, conscience is something within human beings that determines the morality of human actions
- 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.



Conscience and Inner Voice

▶▶ There was a man who thought that if he stole a little wheat from different farms, the other farmers would not notice it while he would have big pile of wheat for himself. One night he went to the farms and asked his daughter to stand guard while he went for stealing. As he was stealing from the first farm, his daughter shouted: **"dad! Someone is watching you."**

▶ He came running out, but saw no one was there. He then went the second farm to steal some more wheat. Again, the daughter called, "Dad! Someone is watching you." He came out running but again he saw no one there. Then he went to the third farm. For the third time, his daughter cried, "Dad! Someone is watching you."

▶ As before, he came running back but saw no one again. This time he got angry. "Why do you keep shouting that someone is watching me, when there is no one here?" His daughter replied, **"Dad, there is someone who is always watching you from above and that is God."**

▶▶ God is often **another name for one's conscience**. It is one's only guardian in moments of moral crisis. It is the **inner voice, which guides us in the right direction**. To the corrupt and the dishonest, a sleepy conscience is a source of great happiness and comfort. People who betray others actually betray their conscience first. When a person betrays his conscience, his conscience may be silent but it is never secure.

2.4.1. Types of Conscience

Human beings can have different kinds of conscience.

- (a) **True conscience:** It means that **judgment is in accordance with fact**. The judgment is a correct or accurate application of law to the action.

Student Notes:

- (b) **Erroneous Conscience:** 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)
- (c) **Certain Conscience:** 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.
- (d) **Doubtful Conscience:** 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.
- (e) **Both Doubtful and Erroneous-** 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.

2.4.2. Ethical Principles Governing Conscience

The discussion of conscience leads to the following principles governing conscience:

- A person must **take reasonable care to ensure a correct conscience.**
- 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.
- 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.

2.4.3. Are public administrators bound to educate their consciences according to the responsibilities they have?

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.

2.4.4 Crisis of Conscience:

When conscience fails to provide moral guidance to an individual in any specific situation as a result of a particular experience, it can be called as Crisis of Conscience. Individuals **loses the ability to determine right and wrong.**

It quite happens in a situation which is ambiguous in terms of values involved and its consequences. As a result, individual **cannot resolve an ethical dilemma using his moral sense.**

For instance, an IPS officer is given the duty to regulate the peaceful protest by farmers against some corporate bodies. Things are under control as situation is clearly understood. Now

suddenly officer is asked to resort strict measures irrespective of nature of protest. Officer now faces the ethical dilemma as situation is now ambiguous both in terms of the motive and the consequence of actions. This can create crisis of conscience for an IPS officer as he/she could not solely rely on his sense of right/wrong.

It is a situation in which someone feels worried or uncomfortable because they have done something which they think is wrong or immoral.

3. 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. Further, much of the recent public and media concern about public service ethics has centered on conflict of interests and, to a lesser extent, on issues of political partisanship, public comment and confidentiality.

The need of ethics for public administrators can be highlighted in the following points-

- **Benevolence to all:** Our constitution provides equality and equity as fundamental virtues to be followed by administrators. This ensures that vulnerable get the protection and might shall not be right. Ethical administrators are important to achieve these goals.
- **To stay responsive and responsible-** Ethics in public administration will help bureaucrats use power in a responsive and responsible manner. This will improve sensitivity of the administration. It will eventually increase/enhance the public trust in the administration.
- **To resolve dilemmas:** 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.
- **To fight against populist and majoritarian tendencies:** Public administrator must have the courage to face down the expert opinion that the expert cannot defend rigorously, and sometimes resist that clamoring public opinion, powerful interest groups or the media. This courage is the subject of Ethics in Public administration.
- **To be optimistic:** Public administrator must be able to face the ambiguity and the paradoxical nature of ethics without being immobilized by them. They must be purposive in their behavior and rather than reactive and most important, they must remain ever hopeful in their outlook.
- **Recognition of paradox of procedures:** Those procedures which facilitate deliberations, fairness, accountability, openness, equity and greater depth of thoughtful analysis to a public decision are also at times the enemy of progress and dispatch. For example Environment Impact Assessment are seen as just deliberation by the environmentalists but are considered the enemy of progress and the means to slow proper actions of the industrialist. **Ethics help bureaucrats identify such paradoxes.** Public servant who cannot recognize the paradoxes of procedures will be trapped by them

4. Determinants of Ethics in Public Administration

The major determinants of administrative conduct in the public sector include:

- 1) **Political construct:** The public administrators are a subset of the political construct. They contribute at both, the executive level and at the policy formulation level. Political ethics therefore is intrinsically woven with the bureaucratic or administrative ethics. For example Criminalization of politics adversely impacts the administrative behavior.
- 2) **Legal Rational Framework:** Weber gave a legal rational framework to the bureaucracy. The role of hierarchy is important in fixing the accountability, impersonal order was important for the bureaucrats to do their work without any fear and favor. Rules and regulations to regulate administrative behavior and to impart, rationality, impartiality, honesty and integrity in the administration.

- 3) **Public servant's Intention:** Public servants' behavior is the key to the ethical nature of administration. No matter how good the intentions of the policy makers be, if the mechanism to implement it is corrupt, politicized, partisan, prejudiced or stereotypical in nature, **the intention will cease to matter**. For example, Using Aadhar for direct benefit transfer is an innovative idea, however not allowing a needy person ration without Aadhar will jeopardize the whole effort and bureaucracy will be termed as insensitive.
- 4) **Citizenry and Civil society:** Citizenry hold administration accountable for its acts of omission and commission. It provides the much-needed feedback which helps in evolution of bureaucratic and political response. Role of civil society is to scrutinize the government and its actions and inactions plus sensitize the citizenry about the same. It helps in Ethical decision making.

The minor and discreet elements of administrative conduct are guided by-

- **Individual attributes** of public/civil servants which guide ethical decision-making skills, mental attitude, virtues, and professional values.
- **Organizational structure** which is explained by **clear accountability, collaborative arrangements, dissent channels, and participation procedures**.
- **Organizational culture** includes artefacts, beliefs and values, and assumptions. 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.
- **Leadership** is important in the **development, maintenance, and adaptation of organizational culture**.
- **Societal expectation** includes public participation, laws, and policies.

OECD has developed an **ethical infrastructure** (refer the infographic below) which can be taken as a framework to include all the above determinants.



5. Concept of Public Service

Public service is a **public trust**. Public service according to the **modern definition** goes **beyond the administrative functions of the governments and incorporates non-governmental organization and institutions as well**.

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. 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.

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.

5.1. 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.

5.2. 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:

Principles Guiding Public Service



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.

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.

Prudence

Prudence requires self-controlled, discretionary decisions based on knowledge, expertise, and ethical judgement on particular situations.

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.

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.

A sense of 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.

There are values which are supposed to take care in public life and administration and that is why correct and appropriate aptitude and foundational values are required the self, according to those values. In every administration, **aptitude will play a very important role.**

6. Aptitude

6.1. Definition and Explanation:

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. Innumerable characteristics influence a person's behavior. The concept of aptitude is applied to those which are considered as useful for particular task.

In a simpler way, **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.

Thus, **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.

Aptitude is different from skill

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.



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**.

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

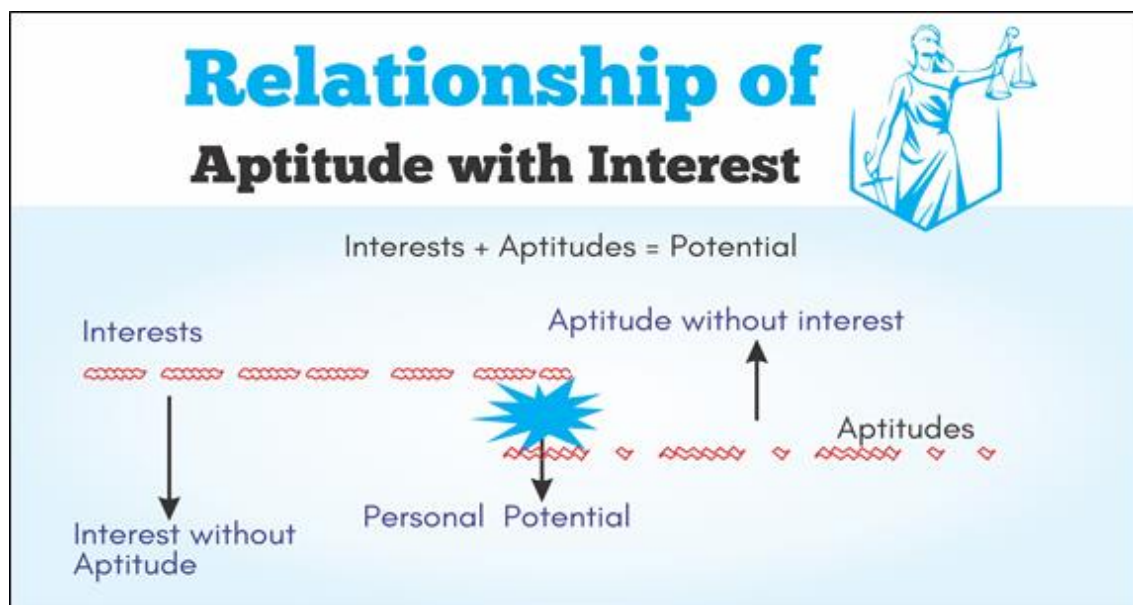
- **Physical aptitude** means the physical characteristics for performing some task successfully. For example, armed forces require a specific set physical features, like height, strength etc.
- **Mental aptitude** means certain specific set of mental qualities needed to perform some tasks successfully. 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.

6.2. Relationship of Aptitude with other qualities

6.2.1. 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 that a 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.



6.2.2. 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.

6.2.3. 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 quotation (IQ) may have different aptitudes e.g. one to become scientist and another novelist.

Difference between Attitude and Aptitude 	
Attitude 	Aptitude 
Attitude is 'a relatively enduring organization of beliefs, feelings, and behavioural tendencies towards socially significant objects, groups, events or symbols.'	Aptitude is the combination of abilities and other characteristics, innate or acquired, which is indicative of an individual's ability to develop proficiency in a particular area.
It is associated with character or virtues i.e. it depends upon the underlying values of a person. It can be negative, positive or neutral.	It is associated with competence or talent. For e.g. quantitative aptitude, verbal aptitude, reasoning aptitude, etc.
It is regarded as the predictor of one's behaviour.	It is the capacity or ability to acquire skill or knowledge, on the basis of which future performances can be predicted.
It is largely a mental aspect.	It involves both physical and mental aspects.
Attitude is hard to change. It requires personal experience, cognitive dissonance, exposure etc. to change the attitude of a person.	Aptitude can be changed relatively easily through learning, training and skill enhancement

Example: In public service, aptitude may help a civil servant achieve career positions. For instance, someone working very hard on sanitation best practices, who has the natural aptitude to understanding issues of sanitation may get a posting with the central government, purely on the basis of their aptitude and acquired experience.

Attitude in times of say disaster management exercises being undertaken in a district, may determine the leadership abilities of an individual facilitating stress management and overall composure of people in times of distress.

6.2.5. Aptitude and Values

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.

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."

Relationship between Aptitude and values:

From the point of view of ethics, **aptitude** concretely exist in the form of desired values in a person i.e. what is important in person's behaviour with respect to specific requirement e.g. aptitude for civil service can be measured in terms of ability to perform, deliver, empathize and exhibit integrity, emotional intelligence in performance of public services.

6.2.6. 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

6.3. Aptitude for Civil Services

While Aptitude tells us about the concrete values that can be realized (as we have discussed in above section such as intellectual aptitude via CSAT etc), there are certain ideal values that underlies civil service. Civil servants **need to demonstrate moral aptitude for them**.

Moral aptitude for ethical behaviour is the precondition for a public functionary to understand the normative requirement of the job.

It helps to understand the role, its associated responsibilities and institutional environment easily e.g. an individual who is honest, rational and believes in fairness of conduct will more tended to understand the normative goals of integrity and accountability in the service.

Following section will deal with foundational values for civil services to understand the same.



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**.

7. Foundational Values for Civil Services

7.1. Definition and explanation

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.

7.2. Need of foundational values

- **To Uphold the Public Interest:** Civil servants hold the public positions with wide-ranging powers. They come with the special obligations because as they are responsible for managing resources entrusted to them by the nation. They provide and deliver services to the public and take important decisions that affect all aspects of a nation's life. Consequently, the public has a right to expect that the civil service **functions fairly, impartially and efficiently**. It is essential that the people must be able to **trust** and have **confidence in the integrity of the civil service** decision-making process.
- **To stand up to the expectations reposed in the office:** It ensures that the decisions and actions of civil servants **reflect the policies of the government of the day** and the governance standards. The expectation that the civil servants should maintain the standards of professionalism, responsiveness and impartiality while serving successive political governments is a key element of the way our democratic polity functions.
- **To uphold the constitution, its laws and underlying values:** To fulfill this, Civil Servants must uphold the constitution, its laws and underlying values. To fulfill this, civil servants must inculcate such values to guide their conduct. Particularly in the situations where **discretionary decisions** have to be taken, it is expected that civil servants should be guided by those values. In absence of such values, there are chances of corruption as well as possibilities of abuse of power. These concerns are also raised by various Judicial pronouncements as in **Vineet Narain case by Justice J.S Verma**.

7.3. Types of Foundational Values

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

- **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.
- **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.

7.4. Major Foundational Values for Civil Services

In India, the current sets 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.

Civil servant- an officer of law must uphold the Constitutional values



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.

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:

- Patriotism and upholding national interest
- Allegiance to the Constitution and the law of the nation
- Objectivity, impartiality, honesty, diligence, courtesy and transparency
- 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**

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.

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: **Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership**.

Note- For further details, please refer the document on Probity in Governance.

7.4.1. 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 regarded as

- a concept of **consistency** of actions, values, methods, measures, principles, expectations, and outcomes.
- the honesty and truthfulness or accuracy of one's actions.
- the **integration of ideals, conviction, standards, belief and behavior**.

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.

All three are equally important – for **example** 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.

Integrity is the foundation of public trust that is essential for a person holding a public office. Civil Servant 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.

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

- have high moral standards
- be honest towards his objectives,
- be consistent in the decision-making process - he should not only be honest and truthful, but also perceived to be so.

How is it Different from Honesty?

Honesty	Integrity
- 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	- 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.

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.

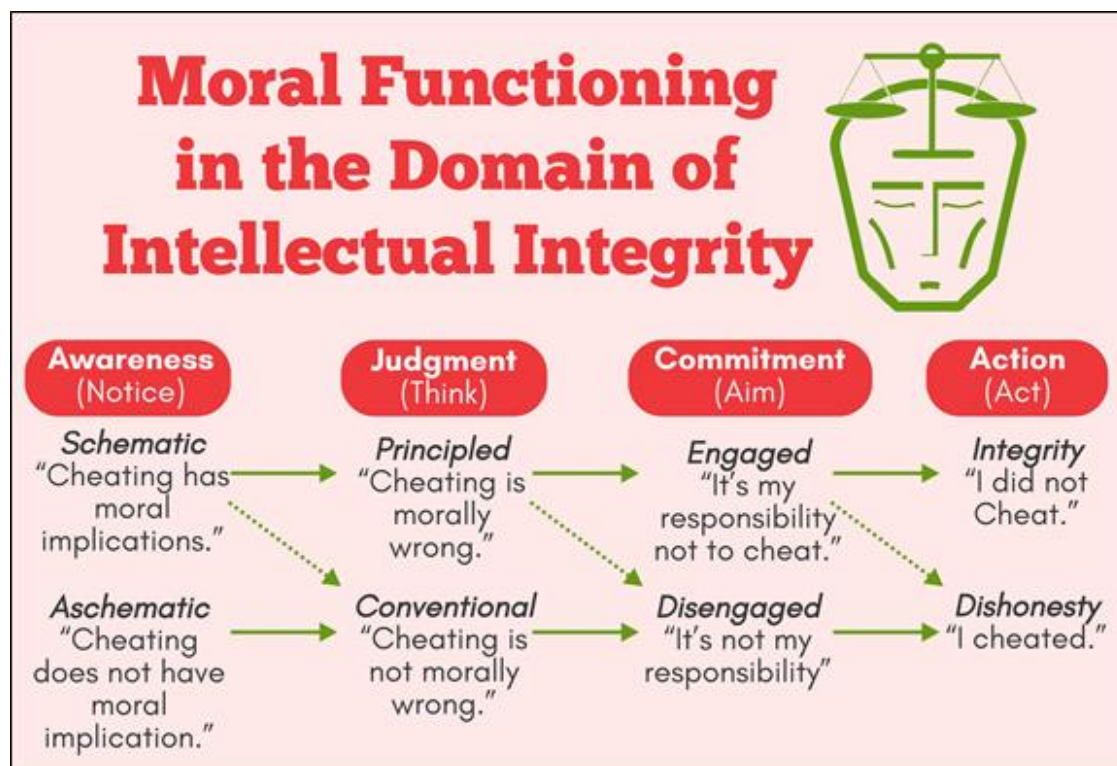
2. Professional integrity:

- 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 counterarguments, 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).

Student Notes:

How to Inculcate Integrity?

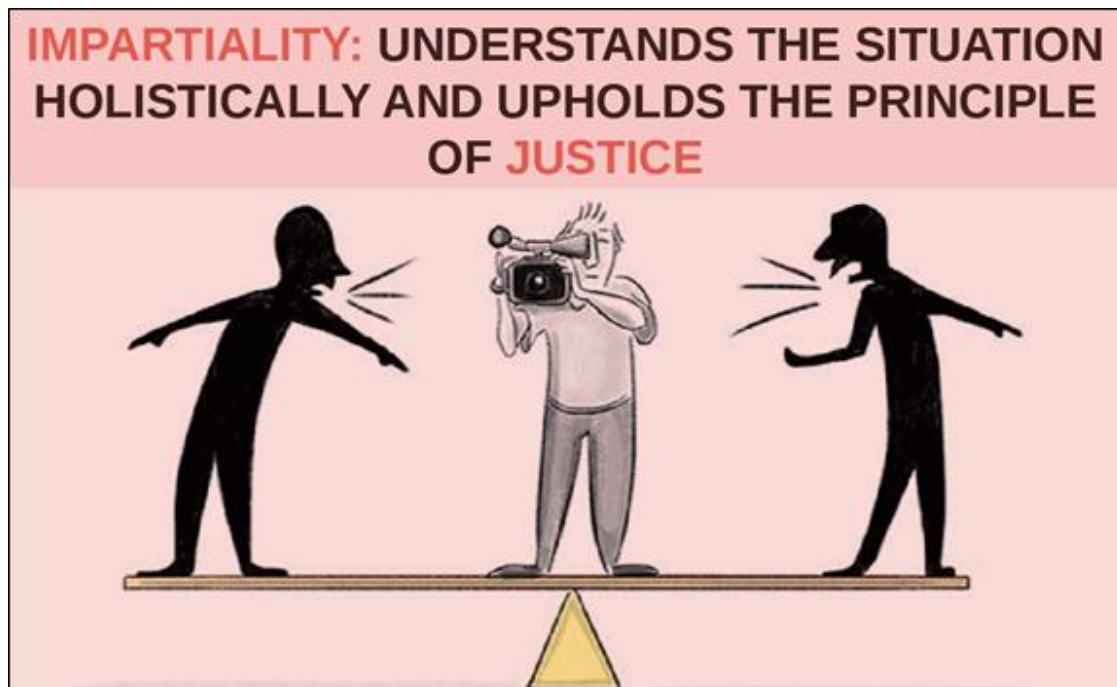


- **Through Model Learning:** If young recruit's first posting is made under an honest officer, then he's more likely to remain honest because of mentoring by a good role model.
- **Reward and Punishment:** To consolidate a newly developed value, appropriate behavior must be rewarded and inappropriate should be punished accordingly. This is called 'carrot and stick' policy.
- **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.
- **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.

7.4.2. Impartiality

- 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.

7.4.3. 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.

Non-partisanship	Impartiality
- Non-partisanship is a narrow concept, as it deals with relation of public officials only with the political executive, and is also called as neutrality - Practically, it may be said that non-partisanship is a kind of attitude	- 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. - 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

7.4.4. Neutrality

- **Neutrality is with specific reference to relationship between the civil servants and the government/politician.**
- 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 **policy making is the prerogative of the political executive, 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'**

CONDUCT RULES FOR NEUTRALITY



The Central Civil Services Conduct Rules, 1964 and the All India Services Conduct Rules 1968 lays 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.

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.

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**.

7.4.5. Anonymity

The principle of anonymity emphasizes that permanent executive works from behind the screen. In other words, they should avoid public gaze.

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.

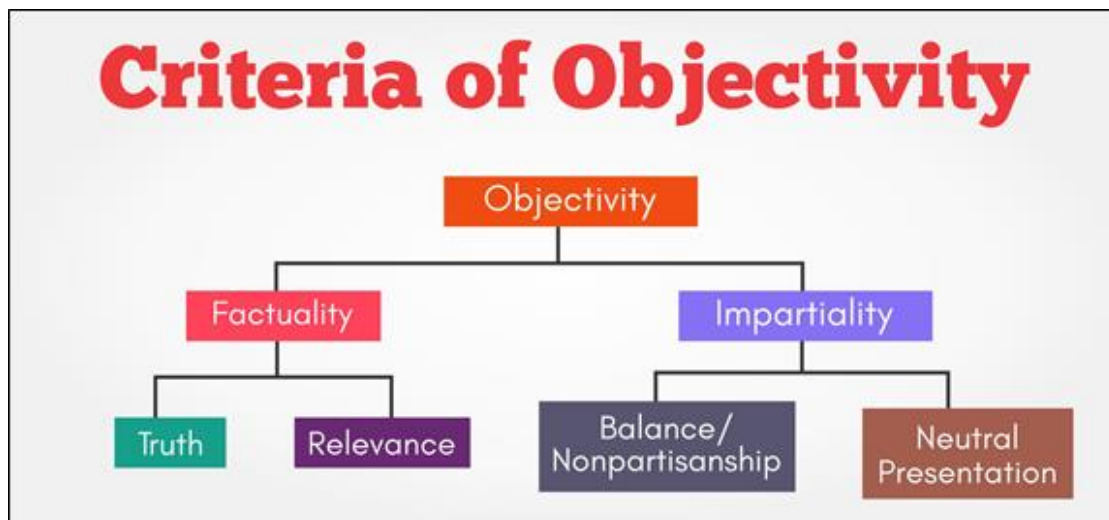
Anonymity and Neutrality: Both values have to be followed simultaneously. The technical and managerial skills are not political. The **tools of administration** – i.e. the practices that make carrying out of tasks more efficient and effective are politically neutral. It is only the **diligence** in their 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.

7.4.6. 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.

Student Notes:



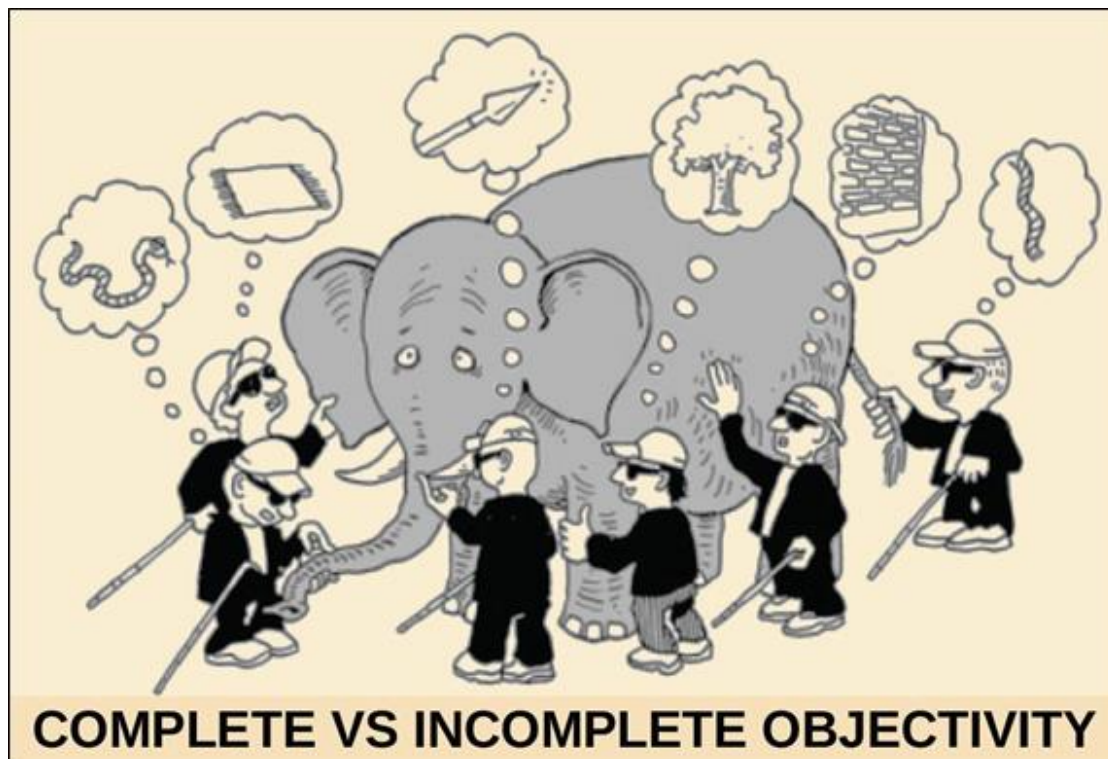
It means evaluating a situation fairly, based on facts, without any bias, personal belief, feelings or external influence. Therefore, it is **rational** and most of the times, **empirical** in nature. It is **antithetical to subjectivity**, i.e. feeling, values, emotions etc. In practice, civil servants should make choices on merit while carrying out their duties, for example making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

Nolan Commission on Importance of Objectivity:

- » 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.

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 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.



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.

7.4.7. 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 chose to be a part of it.

Why is it needed?

- Without it civil servants would find it difficult to perform their duties in difficult situations.
- To make civil servants emphatic to their job and empathetic to the people.
- 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:

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

7.4.8. Empathy, Tolerance and Compassion towards the weaker section

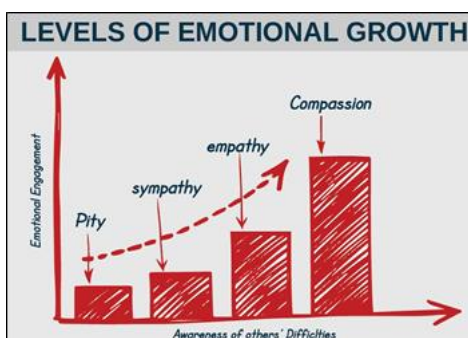
7.4.8.1. Empathy

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.

How empathy is different from sympathy?

Sympathy is instinctive and largely involves **cognitive aspect**. For example, seeing a poor man at raining 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.**



For example, 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. Thus, they are sympathizing but lacks empathetic attitude.

Why is it needed?

- To **break prejudices and enhance effectiveness of bureaucracy**: 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.

- To improve **Emotional intelligence and Decision making**: Empathy helps us understand others' emotions, therefore empathy is required to increase one's emotional intelligence.
- To improve **social cohesion and inclusivity**: 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**: It means extending our knowledge of ways of life which are unfamiliar to us and appreciating the underlined ethical values.

7.4.8.2. Compassion

Compassion literally means **"to suffer together or co-suffering."** It is defined as the feeling that arises when you are confronted with another's suffering and **feel motivated to relieve that suffering**. Buddhism teaches the practice of compassion, called **karuna**.

Compassion and empathy are fundamentally different but are closely related i.e.:

- Empathy is the feeling of awareness towards other people's emotions and an attempt to understand how they feel while compassion is when those feelings and thoughts include the desire to help. So, **empathy precedes compassion**.
- **Empathy is putting oneself in someone else's shoes to understand what they are going through, but compassion spurs one to action**. For example: empathetic people may cry with the person experiencing a loss or if something unfortunate happens but a compassionate person would rather do something to alleviate/reduce the other person's suffering.
- While **empathy is a very internal feeling, compassion moves outwards** as it compels us to dive into another person's environment and offer help, without concern for ourselves or the cost involved.



Importance of having compassion towards weaker section in administration:

- Civil servants are the **agents of change**. Compassion is ranked as one of the great virtues for civil servants which has bearing upon the functioning of the administration and society. Compassion drives the civil servant to help people and ensure the **welfare of people**.
- Compassionate people often have other positive traits like generosity, kindness, and understanding. Compassion makes a civil servant **lead with not only head but also heart**. It gives rise to active desire to alleviate the sufferings of others.

- Compassion ensures a **people-centric, humane, accommodative administration**. It makes administration sensitive and responsive to the needs of every citizen, thus contributes to **efficient service delivery**.
- Compassion helps in getting a **better understanding of ground realities and grass root problems and hence helps in better planning**. It also establishes mutual trust and coordination between society and administration.
- A civil servant with virtues of compassion will make him help the needy and weaker sections of society even if he may have to deal with external pressure. It helps civil servants to earn the trust of the public, which **enhances his confidence, gives a sense of satisfaction, and energy to work harder**.

How to develop it?

- Increasing awareness about the life and living condition of powerless. It can be done by getting to know about the downtrodden sections like by visiting their neighborhood.
- Enhancing sensibility towards people by valuing others life and understanding their perspective.
- Following universal values that are part of one's religion such as Buddhism's 4 Noble Truths (Existence of suffering, its cause, its end, Path that leads to its end), etc.

7.4.8.3. 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.

7.4.9. Miscellaneous Values

7.4.9.1. Serving the public interest

Civil servants and public officials are expected to maintain and strengthen the public's trust and confidence in government, by demonstrating the highest standards of professional competence, efficiency and effectiveness, upholding the Constitution and the laws, and seeking to advance the public good at all times.

7.4.9.2 Legitimacy

Civil servants and public officials are required to administer the laws, and to exercise administrative power on behalf of the government, or the Parliament, or other such authority. That power and authority should be exercised legitimately, impartially and without fear or favour, for its proper public purpose as determined by the Parliament or their employer.

7.4.9.3. Fairness

Civil servants and public officials should make decisions and act in a fair and equitable manner, without bias or prejudice, taking into account only the merits of the matter, and respecting the right of affected citizens.



7.4.9.4. 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.

7.4.9.5. Responsiveness

As agents and employees of the elected government, civil servants and public officials are required to serve the legitimate interests and needs of the government, other civil servants, and all citizens, in a timely manner, with care, respect and courtesy.

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. For **example**, arranging shelter, food, financial help for migrants during lockdown.

7.4.9.6. Efficiency and Effectiveness:

Civil servants and public officials are required to obtain best value for public assets deployed in or through public management, and to avoid waste and extravagance in expenditure and the use of public assets

7.4.9.7. 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**.

7.4.9.8. 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. For **example**, trying to help helpless people during lockdown even when there are little means at disposal.

7.4.9.9. 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.

7.4.9.10. 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.

7.5. Consequences of Erosion of Values

- **Corruption** and absence of public service which is central to any administrative system.
- The administration becomes **unresponsive to public needs** as it tries to fulfill the ends of the political party it is affiliated to.
- 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.
- It **reduces the popular trust in the public services**, thereby hurting their credibility.

This erosion of values leads to various concerns, dilemmas and issues. We shall discuss these concerns and the measures to strengthen ethical administration in the next document of Ethics in Administration.

8. Previous Years UPSC GS Mains Questions

2013

1. What do you understand by the following terms in the context of public service? a) Integrity b) Perseverance c) Spirit of service d) Commitment e) Courage of conviction f) Personal opinion.

2. Indicate two more attributes which you consider important for public service. Justify your answer.
3. 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. There is a heavy ethical responsibility on the public servants because they occupy positions of power, handle huge amounts of public funds, and their decisions have wide-ranging impact on society and environment. What steps have you taken to improve your ethical competence to handle such responsibility?
2. Integrity without knowledge is weak and useless, but knowledge without integrity is dangerous and dreadful. What do you understand by this statement? Explain your stand with illustrations from the modern context.
3. What does ethics seek to promote in human life? Why is it all the more important in public administration?

2015

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.
2. Public servants are likely to confront with the issues of "Conflict of Interest". What do you understand by the term "Conflict of Interest" and how does it manifest in the decision making by public servants? If faced with the conflict of interest situation how would you resolve it? Explain with the help of examples.

2016

1. 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.
2. What do you understand by the term 'voice of conscience'? How do you prepare yourself to heed to the voice of conscience?
3. 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.

2017

1. Conflict of interest in the public sector arises when (a) official duties, (b) public interest, and (c) personal interest are taking priority one above the other. How can this conflict in administration be resolved? Describe with an example.
2. 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
3. One of the tests of integrity is complete refusal to be compromised. Explain with reference to a real-life example.

2018

1. State the three basic values, universal in nature, in the context of civil services and bring out their importance.
2. What is mean by public interest? What are the principles and procedures to be followed by the civil servants in public interest?
3. "In looking for people to hire, you look for three qualities: integrity, intelligence and energy. And if they do not have the first, the other two will kill you." – Warren Buffett. What do you understand by this statement in the present-day scenario? Explain.
4. Explain the process of resolving ethical dilemmas in Public Administration.

1. What is meant by the term 'constitutional morality'? How does one uphold constitutional morality?
2. What is meant by 'crisis of conscience'? How does it manifest itself in the public domain?

9. Previous Years UPSC Mains Questions: Case Studies

1. 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.
2. 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?

10. Previous Years Vision IAS GS Mains Questions

1. ***One has not only a legal but also a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws.***

Approach:

- Briefly highlight your understanding of the quote.
- Discuss its importance in the current context.
- Conclude accordingly.

Answer:

In a democracy, a law not only has the statutory sanction but also reflects the will of the people. Obedience to the law of the land is also a moral obligation for maintaining social and political order in the interest of common good. Socrates when condemned to death, did not flee the city. According to him, it would have been violation of law amounting to mistreatment or disrespect of his fellow citizens.

If one has agreed to constrain his freedom being bound by the law, under the premise that others will do likewise, then it's unfair if others choose to disobey the law to suit their convenience. This approach to obeying laws on the basis of convenience will create chaos.

However, not all laws can have moral sanction. Even in a democracy, a majority can take over the legislative process and frame a law that may not be just to every section of the society or may undermine the dignity of some. A law that caters to most, at the cost of a few is an unjust law. And according to St. Augustine an unjust law is no law at all. Mahatma Gandhi also argued that an unjust law is itself a species of violence. In the present context, following examples could be seen in this light:

- **Criminalizing Homosexuality:** Many countries, including India till recently, criminalised LGBT community for their sexual orientation.
- **Adultery and sexual harassment-** Until recently, only a man in India could be prosecuted for adultery under Section 497 of IPC. On the hand only women can file cases against sexual harassment in India. Men do not have legal recourse, if faced with sexual harassment.

Historically laws related to apartheid in South Africa and racial discrimination in US were morally corrupt. Therefore, these laws were withdrawn after widespread opposition and resentment by the population. Martin Luther King also provided a template for opposing unjust law. He said that one who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. There should be acceptance of penalty of imprisonment in order to arouse the conscience of the community over its injustice. This in reality expresses the highest respect for law.

2. ***"Law should be so succinct that it can be carried in the pocket of the coat and it should be so simple that it can be understood by a peasant." Discuss.***

Approach:

- Introduce by stating the relevance of this quote.
- Discuss the meaning of the statement – emphasising key words.
- Conclude with examples.

Answer:

The given statement was quoted by Napoleon, which also finds its mention in the 2nd ARC report on ethics in governance. The statement focuses on why law should be brief and concise so that one can comprehend it easily. Also, law should be away from complexities, so that even the person existing at the lowest rung of the pyramid (in this case, peasant) can decipher it.

The above statement gains relevance in the context of:

- The lengthy legal texts and intricate language used in framing the constitution, and a no. of civil & criminal laws, etc.
- Expensive legal system for the poor and marginalised and termed as lawyer's paradise.
- Complex jurisprudential interpretation of law and policy.
- The complexities in the law often end in secrecy as well as harassment of the ordinary people.
- Existence of obsolete and archaic laws.

In the present context, to make laws succinct and simple a substantive exercise must be carried out of identifying those statutes and regulations that no longer serve a useful purpose, but may become a tool for delay, obstructionism and harassment. There should be systematic use of drafting techniques like sunset and review clauses, and simplification of the procedure for repeal.

As a civil servant and a law-abiding citizen of the country, it is the duty of every citizen to aid and assist the poor by not only promoting the cause of simple procedures and

legislations, but by also making available free legal aid for socially and economically vulnerable people as envisaged under Article 39A and the Legal Services Authorities Act.

Several such initiatives have been undertaken to simplify legislative procedures. For instance:

- The government undertook repeal of about 2000 archaic laws in the past decade such as through Repealing and Amending Act, 2017.
- Civil society organisations taking law to tribals and poor by making them understand and representing their causes. For example, civil societies working for the rights of Adivasis in Chattisgarh. Single window clearance mechanisms have expedited last mile service delivery and minimised hassles of complex procedures.

Apart from reforming the laws, The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society and to organize Lok Adalats for amicable settlement of disputes. Mahila Adalats, e-courts for effective and timely justice have also been setup.

To conclude, a nation should strive for succinct and simple law which is easily understandable by the people. It must also be noted that laws are drafted in conformity with existing laws and principles of jurisprudence. It is never meant to be used as tool for rough and ready delivery of justice. Only a court or a duly appointed authority can provide for expression of views of contending parties, and that inevitably brings in lawyers, who may interpret the law according to convenience if it is not well-drafted.

3. *Why are certain rights considered universal in nature? Explain using examples.*

Approach:

- Briefly introduce with a definition of rights.
- Discuss why certain rights are considered universal in nature.
- Give a brief conclusion based on the discussion in the answer.

Answer:

Rights mean claims & entitlements of individuals and groups that are considered to be necessary for leading a life of respect and dignity and are essential for their well-being.

There are certain rights that are considered universal in nature because:

- They are rights **inherent to all** human beings since all human beings are born free and equal. They have a right to have rights. For example, Freedom is an essential condition for life and entitlement of the right to freedom is hence a universal claim.
- They are natural rights, that is, they are **derived from the law of nature** and not dependent on laws or customs of any particular culture or government. For example, Right to life and liberty.
- They **impact all people** without distinction of any kind, such as race, colour, sex, language, religion, nationality etc. For example, Right against Exploitation & Right to Justice affects all people equally & hence makes a case for their universal availability.
- They are inalienable as **exclusion from any of such rights would lead to discrimination**, unequal access to resources and opportunities, inability to realize their potential. For example, No one shall be held in slavery or servitude or be subjected to torturous or degrading treatment.

- They are required to meet the **basic needs**, for example, the right to develop one's own talent and skills, right to opportunities etc. ensures that certain sections are not denied the equal chance to have a dignified life in terms of food, clothing and shelter.

Although mostly individualistic, the above discussed rights are required for the overall development of the society because an empowered individual only would lead to a sustainably empowered society. Entitlement to these universal rights would help build a world in which every man, woman and child lives life with liberty and is protected from oppression, violence and discrimination.

4. Explain the significance of the following in the context of civil service: (i) Public trust (ii) Objectivity (iii) Strength of character (iv) Empathy (v) Selflessness

Approach:

- Succinctly define the terms.
- Outline the significance of each, by using examples or otherwise, in civil services.

Answer:

The given terms are the assets that a civil servant must possess in order to be true to his/ her duty towards the society. Significance of these is discussed below:

- Public Trust:** It is the firm belief in the reliability, truth, or ability of the people in public offices, institutions and officials i.e. the measure of public confidence and faith commanded by an officer or an institution or a system. High public trust enables a civil servant to take bold decisions, whereas, low public trust raises question on every activity. It can be built by consistent performance and efficient delivery of expected services. For example, the Election Commission enjoys high trust and this has helped it to implement 'Model Code of Conduct' even without Legislature's backing. One of the reasons that bribery is regarded as a notorious evil is that it contributes to a culture of political corruption in which the public trust is eroded.
- Objectivity:** It is the quality of being truthful, unbiased, impartial and sticking to the facts beyond the influence of one's feelings and prejudices. Objectivity helps a civil servant to rise above his own biases and perceptions and take actions in the larger interest. For example, a judicial magistrate with objectivity would go by the merits of a robbery case rather than being influenced by the public perception of the culprit.
- Strength of character:** It is a measure of how much a person can persevere in adverse circumstances and stand against wrong actions/deeds.. It is determined by how strongly or weakly does one believes and adheres to certain values. It stands to test in the face of hardships. If a person holds high strength of character, he/ she would hold on to his principles even in the face of crisis be it social, economic or political. This strength helps a civil servant to firmly say 'no' to anyone's ill demands that may go against the law or the general public e.g. during riots, passing of tenders, work during disasters and so on.
- Empathy:** It is the ability to place oneself in another's position and understand their feelings and experience their emotions. In context of civil services, unless the public officials empathize with the common man, they will not be able to understand the problems faced by him and consequently, public services will not improve e.g. an empathetic official will ensure ramps etc. in his/ her office premises to aid the movement of the physically disabled.
- Selflessness:** It means to put others before oneself to the extent of having little or no concern for one's life, money, position etc. The job of civil servant demands that public concerns be the top priority. There might be situations where an official has

to give up family time at a stretch in order to fulfil professional responsibilities. Further, selflessness helps in building an organization of integrity and honesty.

Student Notes:

5. *Courage is the first of human qualities because it's the quality that guarantees the others.*

Approach:

- Define courage & establish its importance as an important human virtue.
- Discuss, with examples, how courage is a prerequisite for other human qualities.
- Conclude in a balanced manner.

Answer:

Courage is the virtue that enables a person to restrain fear in the face of danger, difficulty or doubt. As Nelson Mandela put it, "Courage is not the absence of fear, but the triumph over it".

Courage guarantees other qualities

- Courage enables people to face tough consequences for their acts. For instance whistleblowers like Edward Snowden often pay heavy price for disclosures.
- Without courage it is difficult to display qualities like leadership which entails laying out roadmaps for the future amidst uncertainty. For example it is "courage" that enabled Mahatma Gandhi to display the virtue of nonviolence against the oppressive colonial regime.
- It encourages people to take firm decisions and attempt things that they have not tried before. For instance, it takes courage to invest in novel & seemingly impractical/commercially unviable ideas like the SpaceX.
- Various personal, social and professional feats are unthinkable without courage. It may be the fight for social reforms or fearless decision making by public officials to bring about public accountability, impartiality and truthfulness in daily life.

However, it must be borne in mind that courage must stay within limits defined by reason (like the courage displayed by law-enforcing personnel vis-à-vis criminals). Moreover life provides daily opportunities and instances of courageous acts (for instance standing up for injustice, actively supporting a just cause like cleanliness in public places etc.) as distant from notions of courage as extreme or dramatic physical heroism.

6. *What are the factors that have influenced the contemporary attitude of the state and the society towards homosexuality in India? Also, comment on the changing attitude and the factors driving this change.*

Approach:

- State the factors that are affecting currently held attitude towards homosexuality in India.
- Mention the factors that result in changing attitude towards homosexuality and what this change is all about.
- End with a way forward.

Answer:

While acceptance of homosexuality has not been fully entrenched in India, there is a shift in stance of the society and state regarding it. The factors that have influenced the contemporary attitude include religion, international discourse, individual rights, legal pronouncements, advancement of medical understanding, etc.

Reasons for the attitude opposing homosexuality:

- At the core lies the question that is it the natural expression of sexuality or merely a product of closet desires? Those opposed to homosexuality generally consider it to be the latter.
- **Religion:** Major religions such as Islam and Christianity consider homosexuality to be a sin explicitly. Further, religious groups of all major religions support criminalizing homosexuality.
- **Traditional values:** Indian culture espouses marriage, procreation and continuity of traditional values. People suppress homosexual tendencies to prevent ostracization by family members.
- **Social stigma:** For many Indians, homosexuality is still a taboo and a Westernized concept.
- **Legal provisions:** Section 377 of IPC criminalizes homosexuality and thus strict legal provisions have also shaped the attitude.
- **Political reasons:** The political class has shown apathy to LGBT rights in India mainly due to prevailing attitude in the society which can affect vote bank.
- Homosexuality has been considered a medical problem and claimed to be treatable with indigenous therapy.

However, off late, there has been considerable shift in the attitude of some sections of the society which led to the filing of PIL to quash the law criminalising homosexuality.

Reasons for the changing social attitude towards homosexuality:

- **Globalisation:** With the free flow of information and ideas, the liberal attitude towards homosexuality held found in the developed world is being adopted by Indians as well.
- **Social media:** Social media networks are important platforms to accommodate homosexuals who need a support system.
- **Film industry:** The film industry is also increasingly depicting favourable attitude towards homosexuals.
- **Support from organizations:** Organisations like Humsafar Trust, Naz Foundation etc. support decriminalising homosexuality. They are aided by the favourable judgements by the higher judiciary, like in 2017; the SC stated that freedom to express sexual orientation is guaranteed under Article 21.
- **Open social support:** There is increasing youth support through participation in events like gay parade in Delhi, Bangalore etc.

Thus, both legal and social attitudes regarding homosexuality are witnessing change. There is a need to support legal rights of the LGBT community and develop positive social attitude towards them to prevent marginalization.

11. 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:

- 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.
- As a civil servant an officer should follow the guidelines of SC as its interpretation is final and binding in India.
- If he violates the law he has to answer to his superior for such a violation.
- 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 debars 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.

Student Notes:

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