



ETHICS

Updated Value Addition Material 2020

**Ethics in Administration- Concerns,
Dilemmas and Solutions**



DELHI



LUCKNOW



JAIPUR



HYDERABAD



PUNE



AHMEDABAD



CHANDIGARH



8468022022



9019066066



enquiry@visionias.in



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ETHICS IN ADMINISTRATION- CONCERNS, DILEMMAS AND SOLUTIONS

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Note-

This document shall cover the following sections from the syllabus-

- Ethics in Public Administration: Status and Problems; Ethical Concerns and Dilemmas in Government and Private Institutions
- Codes of Ethics, Codes of Conduct, Strengthening of Ethical and Moral Values in Governance.

1. Governance, Good Governance and Ethical Governance

Governance is the exercise of economic, political and administrative authority to manage a country's affairs at all levels. Good governance is perhaps the single most important factor in eradicating poverty and promoting development.

Without **good governance**, no number of developmental schemes can bring improvements in the quality of life of the citizens. On the contrary, if the power of the state is abused, or exercised in weak or improper ways, those with the least power in the society – the poor- are most likely to suffer.

Though, good governance is a dynamic concept, but it is largely said to have the elements of efficiency, economy, effectiveness, equity, transparency, accountability etc. which are essential for promoting prosperity of all.



Ethical governance, on the other hand, is a step ahead of good governance in that it seeks to realize certain universal desirable values, and not merely virtues of administrative efficiency. For example, the Government of India Act 1858 was also called as "Act for Good Government of India", but it was intended for the benefit of the British at the cost of Indians. Therefore, what is 'good' keeps on changing with time and space. Hence, it is ethical governance that is needed.

Key elements of ethical governance

Ethical governance means governance based on certain value premise, which is also "good". For example, probity, integrity, compassion, empathy, responsibility, social justice etc. without which ethical issues can't be upheld.

Elimination of corruption is not only a moral imperative but an economic necessity for a nation aspiring to catch up with the rest of the world. The most important elements of ethical

governance to eliminate corruption and reduce bureaucratic delays should be rule of law, probity, and responsibility.

- Probity would ensure that the sole purpose of administration is public interest, thereby devoid of any wrongdoing.
- Responsibility, not merely accountability, ensures the inculcation of internal accountability for every act of omission or commission in the form of judgement based on one's conscience. If this is attained then there would be no question of corruption.
- Rule of law checks arbitrariness in governance, thereby reducing chances of misusing discretion.

2. Status of Ethical Standards in Indian administration

The Indian civil services suffer from strange paradoxes-

- **Poor self-actualization:** Rigid adherence to procedure combines with a ready susceptibility to personal pressure and intervention. While a bureaucrat may give the appearance of being preoccupied with correctness and propriety, in practice he may be committing endless irregularities and improprieties.
- **One size fits all approach:** An apparent pursuit of the uniform application of absolute justice may contain glaring anomalies. It is a curious reflection on their attitudes and thinking that Indian bureaucrats are willing to tolerate such contradictions between theory and practice.

2.1. Ethical issues in Indian administration

- **Excess of personal authority or rank position:** Intentionally, officials make actions that are out of their position responsibilities and rights that, finally makes damage to the interests of state or certain citizens.
- **Negligence:** A public official either does not perform his professional responsibilities or performs them in a delinquent manner, causing damage to the state or community. This is mostly because of the lack of interest that one has in one's duties and responsibilities
- **Bribery:** Bribery and corruption have come to become an acceptable part of the society, as a necessary evil greasing the wheels of the economy
- **Complacency replaces the hard work-** Although there is a core of exceptionally hardworking, dedicated and conscientious officers, they stand today overwhelmingly outnumbered by the complacent, who are obsessed with status, rank and emoluments and addicted to habits of personal luxury and indolence
- **Psychology of evasion-** When confronted with a difficult decision, the Indian bureaucrat seldom makes any attempt to tackle the problem with initiative and imagination. Instead, he will refer the matter to another department or make a series of unnecessary references to subordinates to gain time.
- **Patronization:** The post-retirement assignment of senior officers to Regulatory bodies and other important posts is largely done on patronage with no set guidelines.
- **Administrative Secrecy-** Secrecy is the hallmark of bureaucracy. In the name of public interest private interests are served while maintaining secrecy. Transparency therefore is one of the most vital virtue of Ethical Governance
- **Nepotism-** The practice of nepotism (the appointment of relations and/or friends to public positions, thereby ignoring the merit principle), may lead to the downgrading of the quality of the public service.
- **Lack of compassion:** Indifference towards the feelings or the convenience of individuals and by an obsession with the binding and **inflexible authority of departmental decisions, precedents, arrangements or forms**, regardless of how badly or with what **injustice** they work in individual cases.

Student Notes:

- **Abuse of personal authority or rank position for private benefit:** Intentionally, public official may use the authority and facilities exercisable by virtue of holding a position (and provided to make that exercise of power more effective), in the guise of public service for personal interest. It appears when:
 - **Leaking official information-** It is usually of sensitive nature and disclosure of such information can lead to chaos, corrupt practices or, for some individuals, improper monetary gains. Leaking official information at a date prior to the public announcement thereof is a violation of procedural prescriptions
 - Performing administrative actions while **ignoring the facts** and without a just motive;
 - **Use of public technical means**, cars, communications, premises in a public official's private interests;
 - Inactivity causing damages for community

2.2. Ethical dilemmas in Indian administration

Public servants find themselves in dilemmas that include conflict between:

- Between different values of public administration – such as efficiency v/s accountability
- Aspects of the code of conduct- accepting rewards or gifts for performance of duty
- Personal values v/s those of senior or a governmental directive
- Professional ethics v/s following an unjustified order by a supervisor/authority
- Blurred or competing accountabilities- such as towards department or society



The set of fundamental principles or criteria that integrate the process of dealing with ethical dilemmas in public administration are:

- Democratic accountability of administration,
- The rule of law and the principle of legality,
- Professional integrity; and
- Responsiveness to civil society.

This can be described as the **ALIR (Accountability, Legality, Integrity, Responsiveness)** model of imperatives of ethical reasoning in public administration.

3. Ethical Concerns and Dilemmas in Private/Business Institutions

Student Notes:

Business ethics is the predominant source of guidance in Private/business institutions. The philosophy may vary from organization to organization; however, fundamentals remain the same. Individuals often find themselves in a situation of conflicting desires. Sometimes they have to choose amongst two rights or wrongs. For example, whether to leak information which is harmful to public interest but serves the interest of the private corporation? Likewise, other general Ethical issues in Private sector are discussed below:

3.1. Ethical Issues of Private Sector in General

- **Favoritism, Nepotism and partisanship:** Conflict of interest in appointments- especially in family run companies- to positions such as board of directors.
- **Integrity of the audit process-** Companies have been found to fudge their balance sheets. It is the job of auditors to conduct proper audit and flag any violations, which they have failed to do in many instances. For example DHFL case. AT times even third party auditors failed to highlight incongruence in the balance sheet.
- **Insider trading and manipulation of share prices:** Excessive competition in the market often forces people for unethical practices. It is also when personal interests take precedence over the organizational and the share-holders interest. Companies poach such employee for insider information. This may have debilitating results.
- **Cartelisation and manipulation of markets:** Big conglomerates often to displace the new entrants form cartels having monopoly over the market. Such cartels have been seen in drug, communication, cement etc. These cartels manipulate the market due to their hefty share. Price manipulation is one big impact of the same.
- **Lobbying with the government for favourable policies:** Lobbying in some countries is ethical. In India there is no law which defines Lobbying. Defence contracts are often heated topics for the lobbying angles involved in the same. Lobbying in a regulated manner is often recommended by experts.
- **Oligopoly or Monopoly:** For example, Communication sector is suffering from monopoly of few big conglomerates. The price wars have displaced many players from the market. Burning money to replace competitors is an unethical practice and competition commission in India regulates it.

3.2. Ethical Issues of Employers

- **Favouritism:** This means that the employer may favour a particular person with regard to promotions and bonuses and evidently neglect other eligible employees. This conduct is considered highly unethical on the part of the employer.
- **Sexual harassment at work place:** is not legal/ethical/moral whether in the workplace or out of it. Harassing an employee sexually, or refraining from taking action against those who are involved in such offences, is strictly forbidden. Despite having laws, most of the companies do not have internal committees to address the complaints.
- **Hire and Fire culture:** Terminating an employee without any notice. In some cases, for reasons like budget management, companies opt for mass retrenchment to reduce the number of employees. Such steps should be undertaken after prior indications and notice of at least a month or two, so that the person can find another job.
- **Gender neutrality:** To develop gender neutral architecture in organizations is another ethical issue. Organizations are often found to be insensitive and partial. Some organisations hire less women due to maternity leaves and other gender associated prejudices. Various studies have found that despite having better leadership skills women face glass ceilings within the organization. Women are considered to be less productive.

- **Accessibility:** Organizational infrastructure should be accessible to all, including disabled. Most of the organizations lack sensitivity and awareness about disabled.

Student Notes:

3.3. Ethical Issues of Employees

The employees in an organization may fall prey to many unethical practices, knowingly and unknowingly. Some of the important ethical issues that employee may face are as following:

Ethical Issues	Explanation
Work Ethics	• Any and every organization has some work culture and employees there follow some work ethics. • Some of the important values of which are; Punctuality, proactive communication, Documentation, Upholding the dignity of fellow employee and regularity. Any breach of these values is an ethical concern. • E.g. taking excessive leave beyond the allowed number is a breach of ethical code. It not only leads to losses for the company but also brings the employee a bad name.
Breach of rules and regulations of the company	• Accepting terms and conditions are usually done as a part of joining procedure. • Violating any of these rules may lead to undesirable issues between the company and the employee. • E.g. Failing to maintain the privacy policy of the company is sort of breaking of rules
Misuse of resources	• Utilisation of organizational resources to fulfill personal needs is unethical. • E.g. Making unnecessary phone calls at the company's cost. • E.g. Some employees pocket tools and stationery such as staplers, pins, papers etc. to use them at home
Using office hours for private work	• Because employees tend to spend so much of their weekday hours on the job, they often are tempted to conduct personal business on company time. • E.g. This can include setting up doctor's appointments on company phone lines etc.
Working for multiple organizations	• Companies usually prohibit employees to work in more than one organization, especially in a competing company where confidential information may be used. • This also questions the loyalty one has for employer.
Taking Credit for Others' Work	• Taking the credit of success and disowning the blame for failure is a common unethical practice that leaders do. • E.g. Prof. Satish Dhawan (then chairman of ISRO) demonstrated this quality while accepting failure for first Satellite Launch Vehicle mission by a team led by Dr. APJ Abdul Kalam. However, such ethical traits have been found missing in many organisations.
Harassing Behaviour	• Employees often don't know what to do if they see one of their co-workers harassing another employee either mentally, sexually or physically. • Employees may worry for their jobs if they attempt to report a superior for harassment. They may fret that they'll be labelled a troublemaker if they report co-workers who display inappropriate behaviour toward other employees.

4. Existing Framework for Ethical Standards in India

India inherited the colonial bureaucratic structure and with time functional and structural unethical behavior started to appear. Important ethical standards were therefore created to improve the quality of administration. Some of the key Ethical standards in India are as follows:

4.1. Central Civil Services (Conduct) Rules 1964

Conduct rules governing the conduct of India's bureaucracy largely ensure that officers do not divulge confidential information or criticise government policy, and remain politically neutral.

- Officers from the **administrative, police and forest services** are governed by the **All India Service (Conduct) Rules, 1968**.
- Officers from the **Indian Revenue Service, Indian Information Service, Indian Customs & Central Excise Service, Indian Postal Service, Indian Audit & Accounts Service**, etc. are governed by the **Central Civil Service (Conduct) Rules, 1964**.

- Some services like the **Indian Railway Service** have their **own set of conduct rules**, though effectively they are all similar.

Some important and widely used/misused rules are:

- Rule 3(1), “**every member of the service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the service**”.
- The rule is elaborated in a sub-section to say that every officer must maintain the following – **high ethical standards, integrity and honesty, political neutrality, promoting of the principles of merit, fairness and impartiality in the discharge of duties, accountability and transparency, responsiveness to the public, particularly to the weaker sections, and courtesy and good behaviour with the public.**
- According to **Rule 7 of the AIS Conduct Rules**, no member of the service can criticize any policy or action of the central or state government on a radio broadcast, communication over any public media, in any document, in any communication to the press, or in any public utterance.
- Further, they are prohibited from saying anything “**which has the effect of an adverse criticism of any current or recent policy or action of the central government or a state government**” or “**which is capable of embarrassing the relations between the central government and any state government**”.

4.1.1. Critique of the Rules

- No mention of values or Code of ethics:** While the Central Government has issued conduct rules for government employees known as Central Civil Services (Conduct) Rules 1964, it does not lay down the values, which civil servants should follow or a code of ethics.
- Nature of the Rules:** The rules are more in the nature of “do’s” and “don’ts”. The Conduct Rules cover matters such as property transactions, acceptance of gifts, joining non-political organizations and a host of other issues covering almost every activity, which a normal individual undertakes.
- Restrictive in Nature:** The rules are highly restrictive, seriously curtailing freedom of operation of a government employee, couched in vague language and sometimes impractical to follow.
- Primitive service rules for government employees:** Shah Faesal, who was suspended for tweeting against rape culture in the subcontinent, was accused of not “maintaining absolute honesty and integrity in discharge of official duty and thus acted in a manner unbecoming of public servant”.
- Golam Mohiuddin vs State of West Bengal, AIT 1964:** In this case Calcutta high highlighted the ambiguity inherent in the rules, leading to subjective satisfaction of the government or disciplinary authority.

Recent disciplinary actions against bureaucrats under the Central Services Conduct Rules:

- The Department of Telecommunication (DoT) suspended Ashish Joshi, a 1992-batch Indian Post and Telecommunication Accounts and Finance Service officer, for reportedly misusing his official letterhead to file a complaint against Delhi MLA Kapil Mishra for uploading an incendiary video online.
- The central government asked the West Bengal government to take action against five officers from the Indian Police Service (IPS) for sharing the stage with Chief Minister Mamata Banerjee, during her protest against the CBI. They allegedly violated conduct rules, which prohibit officers from taking part in political protests.

4.2. Draft Public Service Bill 2006

In 2006 the Department of Personnel drafted a **Public Service Bill** which enumerated fundamental values of Public Services, a Code of Ethics, a Management Code etc. with the object of developing public services as a professional, politically neutral, merit based and

accountable civil service. The main values by which the Public Servants shall be guided are as follows:

- Allegiance to the Constitution and the law, democracy, nationalism, sovereignty, integrity of India and the security of the nation;
- Function in apolitical manner;
- Act objectively, impartially, honestly, equitably, and in a fair and just manner;
- Act with integrity and in a courteous and just manner;
- Establish high standards, and ensure quality service, effective working and prompt decision making;
- Be accountable for the decisions;
- Establish merit as the fundamental principle in employment, promotion and placements;
- Discharge functions with due regard to diversity of the nation/community and religion but without discrimination of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections;
- Provide honest, impartial and frank advice to political executive;
- Ensure that public money is used with utmost economy and care;

One problem with the draft bill was that it intended to fulfil too many objectives. Apart from values and ethics, the Bill envisaged laying down principles of management of public services, principles which should govern appointment to public services, performance indicators for public services etc. With such wide ranging and diverse coverage of matters relating to service matters, it is difficult to reach consensus and secure legislative approval. As such, the bill lapsed for want of both political will and societal will.

4.3. Code of Conduct for Legislators

The Committee on Ethics of the Rajya Sabha and the Lok Sabha have drafted some guidelines for the legislators of both the houses of the Parliament. Some of the common principles include-

- Members must not do anything that **brings disrepute to the Parliament** and affects their credibility.
- Members must utilize their position as Members of Parliament **to advance general well-being of the people.**
- If Members are in **possession of confidential information** owing to their being Members of Parliament or Members of Parliamentary Committees, they should not disclose such information for advancing their personal interests.
- Members must keep uppermost in their mind the **fundamental duties listed in Part-IV of the Constitution.**
- Members should maintain high standards of **morality, dignity, decency and values in public life.**

4.4. Code of Conduct for Ministers

The Ministers of both the Union and State Governments have to follow ethical conduct based on the following-

Before taking office-

According to the **Representation of the People Act, 1951** a person before taking office as a Minister, shall:

- disclose to the Prime Minister, or the Chief Minister, as the case may be, details of the assets and liabilities, and of business interests, of himself and of members of his family.
- sever all connections, short of divesting himself of the ownership, with the conduct and management of any business in which he was interested before his appointment as Minister.

Student Notes:

After taking office-

So long as he remains in office, the Minister shall:

- furnish annually by the 31st March to the Prime Minister, or the Chief Minister, as the case may be, a declaration regarding his assets and liabilities;
- refrain from buying from or selling to, the Government any immovable property except where such property is compulsorily acquired by the Government in usual course;
- refrain from starting, or joining, any business;
- report the matter to the Prime Minister, or the Chief Minister as the case may be, if any member of his family sets up, or joins in the conduct and management of, any other business.

Apart from this, a minister **should not accept valuable gifts** except from close relatives, and he or members of his family should not accept any gifts at all from any person with whom he may have official dealings.

4.5. Code of Conduct for Judges

The Supreme Court of India in its Full Court Meeting held on May 7, 1997 unanimously adopted a charter called the '**Restatement of Values of Judicial Life**', generally known as the Code of Conduct for judges. It includes the following-

- No member of his family, who is a member of the Bar, shall be permitted to use the **residence in which the Judge actually resides** or other facilities for professional work.
- A Judge should practice a **degree of aloofness** consistent with the dignity of his office.
- A Judge **shall not hear and decide a matter in which a member of his family**, a close relation or a friend is concerned.
- A Judge **shall not enter into public debate** or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.
- A Judge is expected to **let his judgments speak for themselves**. He shall not give interviews to the media.
- A Judge **shall not accept gifts or hospitality** except from his family, close relations and friends.
- A Judge shall not hear and decide a matter in which a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.
- A Judge **shall not speculate in shares, stocks or the like**.

5. Code of Ethics and Code of Conduct

A code of ethics is an **assembly of institutional guidelines** used to **reduce ethical vagueness**. Within an organization and serve as a means of **reinforcing ethical conduct**.

Student Notes:

CODE OF ETHICS **VS** CODE OF CONDUCT



- An aspirational document, issued by the higher-level management/ board of directors containing core ethical values, principles and ideals of the organization is Code of Ethics
- A directional document containing specific practices and behavior, that are followed or restricted under the organization is Code of Conduct

Code of Ethics 	Code of Conduct 
➤ It include core ethical values, principles and ideals of the organisation.	➤ It is a directional document containing specific practices and behaviour, that are followed or restricted under the organisation.
➤ Code of ethics is a set of principles which influence the judgement.	➤ Code of conduct is a set of guidelines that influence employee's actions.
➤ Code of ethics are wider in nature as compared to code of conduct.	➤ Code of conduct are narrow.
➤ Ethical standards generally are non-specific and are designed to provide a set of values or decision-making.	➤ Conduct standards generally provides a fairly clear set of expectations about which actions are required, acceptable or prohibited.
➤ It enable employees to make independent judgments about the most appropriate course of action.	➤ It enable employees to work in compliance with rules and actions are guided by the codes.
➤ A particular rule in the Code of Ethics might state that all employees will obey the law.	➤ A Code of Conduct might list several specific laws relevant to specific areas of organizational operations, that employees need to obey.

5.1. Purpose of Code of Ethics and Conduct

The codes are developed based not only on past organizational or individual experience, but also based on actions that the organization wishes to prevent from ever occurring

Three main purposes that the codes of ethics serve, which are as following:

- Codes assure people outside the profession or organization that they can expect a **degree of uniformity** as relates to expectation of performance and moral conduct from employees of the profession or organization.
- Codes assure individuals within the organization or profession that they can rely upon colleagues within the organization and profession to maintain a level of standards in exchange for that individual conducting himself in adherence to the same principles upon which the others are held.
- Codes serve as a notice that people outside of the organization or profession are not bound by the code and, perhaps may be seen as adhering to lower standards pertaining to ethics.

Purpose of Code of Ethics and Conduct

⦿ The codes are developed based not only on past organizational or individual experience, but also based on actions that the organization wishes to prevent from ever occurring. According to Robert Bowen, codes of ethics have two fundamental purpose :

(a) They **provide moral guidelines and professional standards of conduct**. The professional codes **hold people accountable** for proper performance and devotion to honesty and obligation.

(b) The second purpose of codes is to **define professional behavior to promote a sense of pride, tolerance and responsibility among professionals**.



5.2. Key Elements

The key elements of such a Code are:

- Personal Responsibility
- Compliance with the Law
- Relations with the Public
- Limitations on the Acceptance of Gifts, Rewards, Hospitality and Discounts
- Avoiding Conflicts of Interest
- Limitations on Political Activities
- Conduct in Money Matters
- Confidentiality and use of Official Information
- Use of Official Property and Services
- Private Purchases of Government Property by Employees
- Work Environment

Characteristics of a Code of Ethics or Code of Conduct:



01 **Desirable:** It must meet the expectations and desires of the organization and fit the organization theme.

Feasible: The code must not be so impossible as to prohibit the ability to adhere to it.





03 **Enforceable:** Just as laws without punishment make for useless laws, so too is a code of ethics that is enforceable and fails in its purpose.

Enforced: An individual will lose the respect for law if the law is not implemented in letter and spirit. This is true for ethical codes as well. Failure to enforce the codes results in a lack of respect for the codes and the underlying intent is lost. This often diminishes the integrity of the process and causes diminished support for the ethos.



While writing the code of ethics following things can be kept in mind;

- (a) It should be written to a general audience
- (b) It should be attainable
- (c) It should be written in clear, yet specific language
- (d) Follow a logical order

5.3. Importance of Code of Ethics

- (a) Organization displays that it is **willing to take responsibility for organizational ethics**
- (b) Serves as **decision making** guide and waiver of liability
- (c) Reduces **cognitive dissonance** and stress associated with some **decision-making** processes.



5.4. Limitations of Code of Ethics

Code of Ethics, no matter how well intentioned may generate several limitations, some of which are as following;

- A code of ethics cannot provide guidance for every individual in every situation.
- Ethical code will through guidelines helps ensures public trust but cannot be enforced through criminal or civil code. It serves little to establish code of ethics that cannot be defended in courts.
- Limited to the imagination of individuals. Behaviour cannot be guided by set of rules, it must come from within the individuals and the organisations.
- Public service is a profession that must be governed by an inherent set of rules that do not come from reading a specific code.

5.5. First Initiative for Code of Ethics- May 1997

The **Department of Administrative Reforms of the Government of India** had prepared a **Code of Ethics for public services**, as part of an **Action Plan for an Effective and Responsive Government**, which was presented in a conference of Chief Ministers presided by the Prime Minister held in May 1997. The objective of the Code was to prescribe standards of integrity and conduct that are to apply to public services. The salient features of the code are as follows:

- Assist the government:** The public services should **assist** the government in **formulating and implementing policies** and **administering public services** in the most effective way.
- To act with probity and integrity and in Public interest:** Employees in public services should **uphold the rule of law** and respect for human rights and act solely in public interest. They must maintain the **highest standards of probity and integrity**.

- **Building Public Trust:** They should conduct themselves in such manner that the public feels that the decisions taken, or recommendations made by them are objective and transparent and are not calculated to promote improper gains for the political party in power, for themselves, or for any third party.
- **Cooperation with the government:** They should not seek to frustrate or undermine the policies, decisions and action taken in public interest by Government by declining or abstaining from action.
- **When to approach the higher authority:** Where an employee in public service has reasonable grounds to believe that he or she is being required by superior authority to act in a manner, which is illegal or against prescribed rules and regulations, he should decline to implement the instructions. He will have the right to bring the fact to the notice of superior authority.
- **Conflict of Interest:** Employees in public service should refrain from decisions; i) which are calculated to benefit any particular person or party at the expense of the public interest; ii) shall disclose any clash of interest when there is conflict between public interest and private interest.
- **Independence, Dignity and Impartiality:** They should maintain their independence and dignity and impartiality by not approaching politicians and outsiders in respect of service matters or private benefits, and exercise peer pressure to dissuade those within their own cadre who do so and to set in motion disciplinary proceedings against such persons.
- **Accountability to Citizens:**
 - Employees in public services **should be accessible to the people** and practice **accountability** to them in terms of **quality of service, timeliness, courtesy, people orientation, and readiness to encourage participation** and form partnership with citizen groups for **responsive government**.
 - They should be consistent, equitable and honest in their treatment of the members of the public.
 - They should accept obligation to recognize and enforce citizen's right for speedy redressal of their grievance.
- **Financial prudence:** They should have concern for public assets and funds, avoid wastage and extravagance and ensure effective and efficient use of public money within their control.
- **Non- abuse of official position:** Employees in public services have a responsibility to take decisions on merits, as they are in a position of trust, they must not use their official position to influence any person to enter into financial or other arrangements with them or anyone else.

The code also deals with issues such as: public comment, release of official information, integrative role of public services and continuous improvement through professionalism and teamwork.

5.6. Second ARC Recommendations with respect to Code of Conduct and Code of Ethics

- Civil Service Values which all public servants should aspire, should be defined and made applicable to all tiers of government and parastatal organizations.
- Any transgression of these values should be treated as misconduct, inviting punishment"
- In order to create a regime under which quick disciplinary action can be taken against delinquent Government servants, the ARC has recommended deletion of Article 311 of the Constitution, with a proviso that legislation under article 309 be made to protect public servants against arbitrary action.
- The Commission has also suggested certain measures to protect honest Civil Servants against malicious complaints.

- The ARC in its 10th Report on Personnel Administration has re-emphasized the need for prescribing Civil Service Values and laying down a Code of Ethics.
- The Code of Ethics should include: integrity, impartiality, commitment to public service, open accountability, devotion to duty and exemplary behaviour.

6. Strengthening of Ethical and Moral Values in Governance

The discontent with respect to bureaucracy has shown a sharp rise in recent past. There have been protests to oppose the glaring fall in the ethical conduct of the public servants. Not surprisingly, there is a great deal of skepticism concerning the morality of governmental action and the ethics of its officials, and unless public trust and confidence are restored, moral government will remain a distant dream.

That restoration will depend upon how public officials are able to demonstrate the highest standards of ethics and responsibility in the use of the power entrusted to them. Towards this, 'they (the elected as well as appointed public servants) will need to reinforce their sense of mission to serve the public, by acknowledging the place of administrative theology, and by acquiring the necessary education and training in public service ethics and responsibility

6.1. General Strategies to Strengthen ethical and Moral Values

- There is a **need to resurrect the concept of service and vocation** so that a public administrator can **rise above individualistic leanings** and become a **true 'public servant'**. **Exemplary action against improprieties and malfeasance** committed by either the elected or appointed officials would have a salutary effect on the morale of all concerned, including the public.
- The **exercise of discretion** should serve the **public interest**. A public official should push back bounds on rationality so that deliberation may take place, provide truthfulness in the **discharge of official responsibilities, demonstrate procedural respect, exercise restraints on the means** chosen to accomplish organizational ends.
- **Education and training** in virtue and morality are prerequisites to holding a public office
- **By demonstrating the highest standards of personal integrity, honesty, fairness and justice**, which are the key ingredients of a moral government, public officials can inspire public confidence and trust.
- Public servants should be aware of the conduct expected of them, not only by the state which employs them, but also by the public. **A set of principles and guidelines with the force of law** should be developed, and an office be established for enforcement and resolution of conflicts.

6.2. Specific Strategies to be Considered

- **Effective laws:** Which require civil servants to give reasons for their official decisions.
- **New Management approaches:** To encourage all public officials and civil servants to deal positively with corruption and unethical practice when encountered.
- **Strengthening the Whistle Blower Protection Regime:** Whistle-blower' protection law to protect appropriate 'public interest disclosures' of wrongdoing by officials.
- **Ethics audits:** To identify risks to the integrity of the most important processes.
- **New Human Resource Management strategies** (which link, for example, ethical performance with entry and advancement, and ethical 'under-performance' with disciplinary processes), **merit-based promotion and recruitment, anti-discrimination protections.**
- **Training and development** in the content and rationale of Ethics Codes, the application of ethical management principles, the proper use of official power, and the requirements of

professional responsibility. Effective external and internal complaint and redress procedures.

- **Developing administrative practices and processes which promote ethical values and integrity:** The system should promote role models and incorporate the process of disseminating best practices and exemplary actions of civil servants to the entire bureaucracy. Also, performance assessment systems have to be renewed in line with growing scope of innovation in civil services.
- **New techniques** need to be undertaken to institutionalize ethically competent decision making, disinterested advice to Government, and, ultimately, an 'ethical culture' which supports professional responsibility, self-discipline, and support for the rule of law;
- **Second ARC recommendation:** In Its wide-ranging recommendations, it has suggested **partial state funding of elections; tightening of anti-defection law and code of ethics for ministers, legislatures, judiciary and civil servants.**
- To check corruption: Second ARC proposed tightening the provision of **Prevention of Corruption Act**, making corrupt public servants liable for paying damages, confiscation of property illegally acquired and speedy trials.

7. Way Forward

Moral administration **does not mean that its officials exhibit only the negative obligations** such as to do no harm, to avoid injury or to keep out of trouble. On the contrary, the notion of public sector ethics suggests that administrators actively undertake actions that are **socially just and moral**. Only by actively pursuing the goals of **social justice, equity and human dignity** can the officials and the state be moral and just.

8. Previous Years UPSC GS Mains Questions

1. What do you understand by the terms 'governance', 'good governance' and 'ethical governance'? (2016)
2. Discuss the Public Services Code as recommended by the 2nd Administrative Reforms Commission. (2016)
3. Distinguish between "Code of ethics" and "Code of conduct" with suitable examples. (2018)
4. Explain the process of resolving ethical dilemmas in Public Administration. (2018)
5. Suppose the Government of India is thinking of constructing a dam in a mountain valley bond by forests and inhabited by ethnic communities. What rational policy should it resort to in dealing with unforeseen contingencies. (2018)

9. Previous Years UPSC Mains Questions: Case Studies

1. Suppose one of your close friends, who is also aspiring for civil services, comes to you for discussing some of the issues related to ethical conduct in public service. He raises the following points:
 - (i) In the present times, when unethical environment is quite prevalent, individual attempts to stick to ethical principles may cause a lot of problems in one's career. It may also cause hardship to the family members as well as risk to one's life. Why should we not be pragmatic and follow the path of least resistance, and be happy with doing whatever good we can?
 - (ii) When so many people are adopting wrong means and are grossly harming the system, what difference would it make if only a small minority tries to be ethical? They are going to be rather ineffective and are bound to get frustrated.
 - (iii) If we become fussy about ethical considerations, will it not hamper the economic progress of our country? After all, in the present age of high competition, we cannot afford to be left behind in the race of development.
 - (iv) It is understandable that we should not get involved in grossly unethical practices, but giving and accepting small gratifications and doing small favours increases everybody's

motivation. It also makes the system more efficient. What is wrong in adopting such practices?

Student Notes:

Critically analyze the above viewpoints. On the basis of this analysis, what will be your advice to your friend?

10. Previous Years Vision IAS GS Mains Questions

1. *The universal adoption of common good approach poses the ethical dilemma of putting collective interests over and above the individual interests. Discuss with examples.*

Approach:

- Start with defining the concept of common good with examples.
- Discuss the ethical dilemma before the individual in dealing with challenges of common good. Illustrate with some examples.
- Conclude.

Answer:

An individual entity- a person, a group, a community, a nation- may choose to act in a manner which brings it maximum good. This good usually comes at a cost to another individual entity. There are two ways to minimize the cost to other entities. Either all act in a selfish manner and compete with each other to maximise their own benefits, with no consideration of the cost to other; or, everyone may act in a harmonious manner so that benefits are maximized for all together rather than one entity. This way, the cost to all is borne by all, and hence everyone strives to minimize it while maximizing benefits. However, the ethical dilemma here is what if the other entity works to maximise its own benefits, rather than everyone's? Hence, it becomes clear that universal adoption of common good approach poses the dilemma- Am I/Are we being left behind? Are others committed to common good just like me/us? Will pursuing my self-interest bring more and quicker happiness to me, and so on.

According to John Rawls, the common good refers to "certain general conditions that are equally to everyone's advantage." It is either what is shared and beneficial for all or most members of a given community. Examples- Universal public health care system, an effective system of public safety, an unpolluted natural environment etc.

Because such systems, institutions, and environments have a powerful impact on the well-being of members of a society, virtually every social problem is linked to how well these systems and institutions function.

Examples:

- Keeping the neighbourhood clean would require efforts of all households and if one of them does not properly dispose its waste, others will be demotivated to keep it clean.
- One set of people- forest dwellers- being made to bear the entire burden of relocation for mining projects without getting any benefit in return.
- Richer people disproportionately contributing to pollution through their lifestyle lessens the motivation of others to cut down on their emissions.
- Developed countries pursuing their interests in WTO at the cost of developing and poor countries lessens the incentive to respect and abide by global rules, treaties.

Challenges of ensuring Common Good

No one can be easily excluded from the common good. This leads to following challenges:

- As Accountability can't be fixed on a particular individual, everyone expects others to contribute while he himself focuses on his individual interest.
- In the face of such pluralism, efforts to bring about the common good may lead to adopting or promoting the views of some, while excluding others.
- Individuals can become "free riders" by taking the benefits the common good provides while refusing to do their part.
- In the individualistic culture it is difficult to convince people that they should sacrifice some of their freedom, personal goals, and self-interest, for the "common good".
- For the sake of common good, particular individuals or groups may have to bear costs higher than others.

Despite these issues, appeals to the common good ought not to be dismissed. For they urge us to reflect on broad questions concerning the kind of society we want to become and how we achieve that society. Through dialogue and discussion, others can be persuaded to act in a manner which maximises common good.

2. What do you understand by ethical dilemma? Bring out some examples of ethical dilemma often faced by civil servants.

Approach:

- Define ethical dilemma and briefly explain it.
- With examples, explain ethical dilemma often faced by civil servants.
- Conclude by suggesting ways to deal with ethical dilemmas.

Answer:

An ethical dilemma is a complex situation, that often involves conflict between moral imperatives. Civil servants hold public positions and utilize resources to deliver public services. In performing duties, they come across various situations when they have to deal with equally important set of principles. They may face ethical dilemmas due to lack of legal/policy clarity on the issues faced by them. Some examples of ethical dilemmas faced by civil servants are as follows:

- Allocation of limited resources amidst demands by various beneficiaries, especially in case of unclear guidelines i.e. matters which potentially influence a civil servant's ability to work in the public interest and represent all constituents equally and fairly.
- Economic development versus its cost to the environment, for example, construction of a dam in a tribal area, which would protect them from floods and provide electricity but lead to displacement.
- Conflicts between personal life and professional life. For example, maintaining balance between catering to family needs and working beyond office hours.
- Maintaining balance between secrecy and transparency. While protecting sensitive information is necessary for security reasons, but at the same time, transparency is essential to uphold the public servants accountable.
- Dilemmas involving the faithful execution of official duties. For example, the decision to participate/be a part of say an appointment committee, interview board etc, when a civil servant has a conflict of interest which prohibits his/her participation.
- Dilemmas involving acting with integrity, for example, in cases where a civil servant is offered a legally acceptable gift for doing his/her duty diligently, where there may be a quid pro quo involved.

In these situations, public servants should follow certain fundamental principles such as democratic accountability, respect for the rule of law and the principle of legality, professional integrity and responsiveness to civil society. Adopting these principles can integrate the process of dealing with ethical dilemmas in public administration.

3. *What is the difference between an acceptable business gift and a bribe? What kind of norms and structures should an organization have in place to help its employees avoid ethical dilemmas on such issues and make the right decision?*

Answer:

Gift is something of value given without the expectation of return while bribe is something of value given with the hope of a future influence or benefit. In the context of contracting with the government, a 'bribe' is the offering, giving, receiving or soliciting something of value for the purpose of influencing the actions of an official in the discharge of his or her public or legal duties. In general, a 'gift' is something given as a sign of friendship or appreciation. While it is generally accepted that gift giving may enhance the prospect and image of a company, businesses must tread carefully as corporate gift giving has several legal, ethical and practical questions attached to it.

Standard management tools are used to control bribery - internal monitoring, monitoring suppliers, reports to Boards of Directors, use of compliance manuals, whistle-blowing facilities, signatures of directors, training, periodic compliance, reviews by managers, employee signatures, internal auditing, disciplinary action and active communication. But there is a very fine line between business gift giving and bribing, and it is seldom clear when the line is crossed. This fine line between a gift and a bribe could be determined by using a 'test of disclosure with comfort'. If the business manager or the public official can unhesitatingly acknowledge and justify the giving and receiving of a gift and its size and nature in a public forum without any adverse impact on the company's work and reputation then and only then it is a gift.

It is recognised that the giving and receiving of business gifts is an integral part of the way in which some businesses operate. To steer clear of bribery but to maintain a healthy gift-giving culture which is beneficial to business, companies must have clear policies related to gift giving and receiving to steer clear of potential problems arising out of gift-giving.

There are some suggestions for policy-making in this context:

- Workplace gift giving should ideally be prohibited or restricted.
- A clear guideline should be set for type and value of gifts the employees can accept from outside entities and a policy to return should be there for any gift that falls outside the set parameters.
- For giving gifts to suppliers and other outside entities, it would be important to define who can receive a gift, along with 'how these gifts are selected and presented' and also to cognizance of the gift policies of any company that is being included in the list.
- The receipt or giving of modest gifts may be expensed in the normal way if paid for by a group company.
- The giving or receipt of more lavish gifts must be approved by the person's manager.
- The manager should ensure that an appropriate record is maintained.
- In cultures where the refusal of an expensive gift would give offence, such gifts may be accepted on the basis that they will become the local company's property, unless the managing director of the local company otherwise determines.

These kinds of norms and structures can help employees to avoid ethical dilemmas on such issues.

4. *Explaining what an ethical dilemma is, discuss how it reflects not merely a choice between competing interests and values but also a test of strength of one's character.*

Approach:

- Explain briefly the meaning of ethical dilemma.
- Discuss how ethical dilemma tests one's character.
- Conclude by suggesting ways to resolve an ethical conflict.

Answer:

It is easy to make a choice amongst actions where consequences are unambiguously right or wrong. However, an ethical dilemma arises when there is ambiguity about goodness or badness of an act. A situation where one has to take a decision between moral imperatives, none of which is unambiguously acceptable or preferable is called an ethical dilemma. It requires a choice between competing sets of principles in a given, usually undesirable or perplexing situation. A person may find herself/himself in ethical dilemmas in personal and professional life due to conflict of interest or conflict between personal values and professional ethics; blurred or competing accountabilities etc.

Ethical dilemma reflects not merely a choice between competing interests and values but also a test of strength of one's character as:

- Resolving ethical dilemmas requires a robust framework of integrity. Often people are required to act in public interest at the expense of personal interest, which requires dedication and honesty and an ability to resist temptation for personal gains.
- Similarly courage, humility, prudence, optimism and determination are necessary character traits as regards resolving ethical dilemmas.
- A strong personal character provides for the ability to identify important issues, determine priorities and sort out competing values.
- Ethical standards do not by themselves ensure ethical behavior. Personal integrity is required to ensure ethically compliant behavior. For instance corruption is a direct manifestation of failure of one's ethics.
- Laws, rules and ethical standards, while guiding an individual in resolving ethical dilemmas, are inherently incomplete to enable one to resolve the myriad conflicts that arise in real life situations.

Ethical dilemmas can be resolved by adopting a justice approach, which holds that decisions must be based on standards of equity, fairness, and impartiality. A personal moral compass, fortitude and ability to take responsibility for actions are therefore necessary to help one when faced with ethical dilemmas.

5. *Income inequality, resource mismanagement and health hazards are some of the negative consequences of globalization. In this context, what are some of the ethical dilemmas that civil servants face today? How has the approach to handling these undergone a change?*

Approach:

- Explain the key ethical dilemmas that civil servants face due to the changes brought by globalization.
- Then, talk about the difference in approach to handle the challenges and resolve the ethical dilemmas.

Answer:**Student Notes:**

The process of Globalization is associated with both benefits with increasing pace of poverty reduction and high growth rates as well as drawbacks such as increasing inequality and resource mismanagement. Globalization has impacted not just economies but also politics, societies and cultures across the world. This has brought new challenges for the civil services in the form of following ethical dilemmas.

Ethical dilemmas in era of Globalization

- In the era of globalisation, the role of the State has changed. Economic liberalisation has led to – on one hand, the diminishing role of state and on the other, increasing role of private sector. The basic objective of private enterprises—maximizing profits—does not always coincide with broader social concerns. Therein lies the ethical dilemma of civil servants of balancing these two priorities, profits – for sustaining economic activities and addressing social concerns - as part of the welfare state.
- Globalization has resulted in the marginalisation of a section of society who have not been able to take advantage of the economic opportunities provided by globalization. The ethical dilemma here is the need for showing empathy and compassion in helping them while at the same time following the rule of law.
- Fast pace of globalisation is mainly driven by the rapid advancement of communication technology. Civil servants too have had to adopt technology in public administration even if they personally do not like it. The ethical dilemma here is between the personal choice of status quo and professional demands for infusing technology in day-to-day operations.
- Globalization era is also associated with increasing demands for transparency and accountability. The ethical dilemma which civil servants face is judicious use of discretionary power while at the same time upholding the principles of transparency and accountability.

Handling these challenges and ethical dilemmas require a multi-pronged approach for upholding the foundational values of civil services. Therefore, there has been change in the approach in the following manner:

- Civil servants are shifting their orientation from being controllers to facilitators and from being providers to enablers. This way the State can focus more on the social sector while economic activities are left to the private sector.
- Values such as non-partisanship, empathy and compassion are now considered as foundational values along with the traditional values of integrity, objectivity and public service dedication.
- Civil servants are being equipped with the necessary skills and capabilities to master new technologies and new styles of functioning. This will bring about an attitudinal change required to adopt technology.
- Along with the code of conduct which may not be able to cover every possible scenario, code of ethics is also being focused upon so as to guide the actions of civil servants while acting under discretion.

6. *Examine how the moral order of any society is based on the norms like honesty, truthfulness, discipline, fairness, tolerance and justice, and therefore the code of ethics has to be based on them.*

Approach:

- Firstly, examine how the foundation of morality in a society is based on certain norms

- Then discuss why the code of conduct and ethics has to be rooted in moral order of the society and thus ultimately based on the norms established.

Student Notes:

Answer:

- Norms are largely social in their origin, sanctions and functions and are an instrument of society as a whole for the guidance of individuals and groups.
- While the origin of social norms may lie in small, close knit groups, they often spread well beyond the narrow boundaries of the original group to large populations.
- Further, norms are not just a discovery or invention of the individual for his own guidance. They are a social enterprise and seen as constraining behaviour.
- Though they make demands on the individuals, usually individuals themselves become spokesmen of these demands, through what is called "internalization".
- Once they are internalized, norms come to be seen gradually as central to the production of social order and social coordination.
- Though they cannot be explained solely on the basis of functions that they perform, it is indeed a fact that they fulfill important social functions, such as welfare maximization.
- The common values and moral order of societies have come to be based on such norms and they have guaranteed the orderly functioning and reproduction of the social system of societies across the world.
- They have helped ensure that citizens are aware of not only their roles in society, but also customs, common practices, power relations, economic exchanges, rules for interpersonal interaction etc. This has helped people to function successfully in society and maintain the moral order by making people learn and accept the shared values of society, thus learning how to act in society.
- While certain norms like honesty, truthfulness, discipline, fairness, tolerance and justice are universal to the extent that they shape the moral order of societies; the interpretation of these can differ across societies, depending upon the type of socio-cultural-economic-political system that the society has. This difference in interpretation according to the desired goals of societies is one of the reasons for difference in moral codes across societies. For instance, while equality and justice are acceptable social norms across most societies, there may have different notions of what they mean. In communist societies, achieving equality of outcome may be desired, while in societies with different socio-political systems ensuring equality of opportunity may be the desired goal.
- Social norms have also been the basis of the code of ethics for various professions.
- Code of ethics represents values collectively imposed on individuals by organizations, professional associations, or political jurisdictions.
- Though discretions exercised in organizations, like the bureaucracy, are necessarily broad, but it must be generally consistent with the wishes of the citizenry. The range of possible decision options should be constrained by the will of the people as expressed through the moral order of the society and various acceptable norms.
- Code of ethics and ethics legislation provides these broad constraints within which the ethical conflicts and dilemmas that one faces are to be resolved. Such codes and laws are however, only the formal statements of the moral minimum for a political community.
- They also provide sanctions for professionals, including public servants, caught stepping beyond the limits established by the citizenry through the moral order and norms of the society. Fines, prison sentences, and administrative penalties for misconduct are ways of establishing the right of the people to require that their norms be respected and enforced.

- Legal sanctions confront the whims, greed and self assertion of an irresponsible professional with a reminder that he is employment is in a social context and that the limits imposed by the society may not be transgressed.
- Hence a code of ethics should be based upon the norms, like the ones mentioned above and confirm to the moral order of the society as these core values support good governance and ensure the achievement of the highest possible standards.

7. Examine the contemporary relevance of Gandhiji's talisman as a means of resolving ethical dilemmas in day to day life.

Approach:

- Highlight the key message of talisman (in brief) – ‘sarvodaya through antyodaya’.
- Explain how it can promote emotional intelligence in citizens and help them resolve ethical dilemmas.
- Discuss its contemporary relevance for citizens, businesses and the Government.

Answer:

Gandhiji's talisman– “whenever in doubt, think if the decision would empower or marginalize the poorest?” provides an ethical test to judge everyday actions. It champions the cause of **‘sarvodaya through antyodaya’ implying the welfare of all through the weakest of the society** which lies at the core of Indian Constitution.

It is a clarion call to the citizens to develop emotional intelligence so that they are in a better position to assess the needs of fellow (vulnerable) citizens, and work towards their upliftment through individual actions.

India of the 21st century is witnessing sectoral violence, socio-economic inequality, low tolerance threshold and increasing consumerism. Global politics is witnessing xenophobia, armed conflicts and multiple refugee crises. The talisman can hence be an effective tool to evaluate the relevance of government policies, business priorities and our daily actions on the society. All these entities can assess their actions in public as well as private life against the talisman to ameliorate ethical dilemmas.

Applying the talisman to our daily lives invariably suggest the following:

- Government policies must necessarily focus on the vulnerable and marginalized sections of the society even if it requires making special provision for such classes.
- At personal level, self-serving acts like tax evasion, littering in public places etc. must be shunned. Derogatory practices in society like manual scavenging, caste-based discrimination, exploitation of women and the poor, dowry, nepotism etc. must be condemned in practice.
- At societal level, it encourages altruism, compassion and communal harmony towards fellow human beings when encountered with negative vibes of hatred and violence.
- Businesses and Industries should strive to reduce polluting activities, ensure optimal working conditions and must honestly comply with social security legislations. Further, it encourages business houses to go for Corporate Social Responsibility for achieving greater inclusiveness in the society.
- Public servants should ensure transparency and integrity in implementation of welfare provisions like PDS, MGNREGA, Old Age Pension Scheme etc. so that their steps lead to swaraj in true sense.

Thus, Gandhiji's talisman empowers us to judge our actions and is a timeless beacon of inspiration for generations to come.

8. *Consider the case of a religiously orthodox couple in Wonderland. Their son is dying of cancer and needs a bone marrow transplant. While the doctor is devoted to reducing pain and preserving life, the parents refuse permission to let the doctor give the necessary bone-marrow transplant. In their view faith alone does the healing and moreover, permitting the treatment would endanger the child's life because it would issue from lack of faith. The doctor is dismissal of these ideas and puts off all treatment until the parents agree for the transplant. While the clashes between these two worldviews continue, the child dies. Should the parents now be tried by the law for criminal neglect? Was the doctor also being stubborn and betraying weakness, or is he just being a doctor? Has he violated his code of ethics too?*

Student Notes:

Answer:

1st Approach

The principle of autonomy is one of the four guiding principles of medical ethics, the others being beneficence, non-maleficence, and justice. It means that patients have the right to decide what is done to their own bodies. For minors, it is the parents decide for them. What happens when parents refuse a treatment that their child's doctor recommends?

While the faith of the parents should be respected, any possibility of a miraculous cure based on their religious faith should be entirely left out of account. In the given case, it was a near medical certainty that the child would die without treatment; and the only effective treatment was probably a bone marrow transplant.

If the doctor believed that the parents were not acting in the child's best interest, he should have gone to the court and tried to convince the judge that the court should take temporary custody of the child and allow the treatment. Another way for the doctor was to try persuading the parents to accept medical care. He could have even discussed passages from the holy books of various religions (and probably even theirs), which talk about healing and even prayed with them, as a sign that he also respected their faith. He could have made them believe that he was not opposed to their beliefs per se, and was not negating the power of their God, and in fact was a part of it. In the process he could have tried to balance their view on faith and science and told them to keep praying for their child, while he gives him the requisite treatment. It was important that he tried to appreciate their point of view, rather than dismissing it altogether.

In such a situation it was important to balance the practical obligations of providing medical care while adhering to doctors' ethical obligations to report such cases to the police and the courts. To this limited extent the doctor violated his code of ethics and abdicated his responsibilities. He was also being stubborn and betraying weakness.

The doctor's decision on bone marrow transplant decision was made on the basis of medical knowledge and experience, evidence and reason. Though by definition, a faith based miracle defies medical science and all known experience and reason, it was important that the parents be made to realize that they were simply engaging in child neglect. Assuming that there are adequate laws on child neglect, the parents should be tried and penalized in some way under the same.

However, it must also be kept in mind that even parents, who are blinded by religious faith and miracles, love their children. They would have loved to have their child survive, but they believed in healing with prayer. It is unlikely that they were harming the interests of their child intentionally; it's just that they had a strong faith that others don't share.

The doctor should not have made a rash decision when faced with a family refusing medical care, despite how he felt about the family's religious beliefs. If he would have

approached them in a more humanistic way and with compassion, compromise was much more likely. Finding common ground with parents about religious views would have helped in developing a compatible care plan and maybe saved the child. It was important for the doctor to guard against his frustrations, which held him from working with the family in saving the child.

Thus both the doctor as well as the parents has to share the blame for the child's death. While the doctor violated his code of ethics and was being irresponsible, the parents are guilty of child neglect. Both could be tried and probably penalized in different ways.

2nd Approach

In this case we need to see the rights of child and parents to apply the principle of autonomy because these rights vary with different cultural settings. So we need to analyze above situation under different aspect of trusteeship and ownership. Under ownership situation, it is observed that parents are best well-wisher of child and own every decision on behalf of child. But trusteeship does not grants ownership to parents. Here child is a responsibility of state and parents are care taker. Thus whether to initiate any criminal proceedings against parents or not depends on law of that country.

But in case of doctor he surely has violated ethics of medical profession by putting of all the treatment. He as a doctor needed to continue with the appropriate treatment of child. To do nothing is a disservice both to the profession and to patient.

9. ***In spite of the existence of a Code of Conduct for public servants, its implementation has been tardy and of limited success. Discuss. Further, suggest steps which could be taken to improve the efficacy of the Code of Conduct. What role can Code of Ethics play in reinforcing the Code of Conduct in public life?***

Approach:

- Describe briefly code of conduct.
- Bring out the reasons for the limited impact the code of conduct.
- Suggest steps which could be taken to improve the efficacy of the Code of Conduct.
- Explain how code of ethics will help in improving efficiency of Code of conduct.

Answer:

Code of Conduct is a set of rules, standards, principles and values outlining the expected behavior for the members of an organization. The purpose is to regulate the conduct of members on various decisions and processes. Most of the public organizations follow some code of conduct. These have been designed to comprehensively cover almost all the situations in which public servants find themselves. Yet, widespread corruption occurring is indicative that it has proved to be ineffective. Following reasons can be attributed towards the minimal impact of code of conduct in dealing with corruption in public life:

- **Legally not binding:** Not all the provisions of code of conduct are legally binding. For example, only provisions of Central Civil Services (Conduct) Rules which are violated under the Prevention of Corruption Act invite punishment. Else, their enforcement boils down to departmental discretion. Similarly, Model Code of Conduct by ECI is not legally enforceable and only its provisions violated under the RPA attract punishment..
- Code of conduct has to be supported by strong accountability and transparency mechanisms. This is still to be achieved.
- Poor awareness about the code of conduct among the public officials and public.
- Lack of proper training about dealing with situations amounting to conflict of interest. As a result officials often fail to follow code of conduct.

- Legal rules alone cannot ensure transparent and fair governance. What is needed is self-regulation but there has been rapid erosion of values in public servants.

Following steps can be taken to enhance the effectiveness of Code of Conduct:

- The Code should be legally binding. Arbitrariness is against the Rule of Law and hence, it should be eliminated. Every provision should unambiguously describe the course of action that has to be taken in case of violation of the code.
- A comparative evaluation of effectiveness of code of conduct in public and business organizations indicates that there has been considerable impact of the Code of Conduct in business organizations. Hence, the methodology for implementation of the code of conduct can be adopted and modified to suit public organizations.
- Certain practices in business organizations have resulted in employees identifying themselves with the organization and its objectives. These best practices should be adopted by public sector.
- Inculcation and rejuvenation of public service values at an early age and throughout the career of employees should be done through activities and training.
- Code of conduct should be supported by service delivery standards and strong accountability and transparency mechanisms to reign in corruption.

Code of ethics provides for the value system that public servants can look up to in times of crisis and dilemma. A Code of Ethics creates a framework upon which all decisions are made. This helps create a cohesive understanding of the boundaries within an organization and the standards set for interacting with stakeholders. The ARC II fervently pitched for Code of ethics and related reporting systems. Thus, it will be complementary to Code of Conduct. However, values need institutional support to be sustained. Hence, it's important that Code of Conduct be made legally binding, with penalty provisions. If both the codes are followed in letter and spirit, corruption and misuse of public office will be curbed to great extent.

- 10. *It is at the interface of public action and private interest that the need arises for establishing not just a code of ethics but a code of conduct. In this context, highlight the need for drafting a code of ethics as well as a code of conduct.***

Approach:

- Discuss the need for regulating the conduct/behaviour of public servants.
- Explain the rationale behind having a separate code of conduct & code of ethics.
- Highlight the important differences between the two.
- Conclude by mention how both can be supplemented owing to similarity in their objectives.

Answer:

It is imperative for a public service organization to conduct itself in ways that preserve and enhance public trust and confidence in the integrity of government and its institutions. In the case of public servants, the standards of behaviour must be more stringent, because any person/organization that is privileged to guide the destiny of the people must not only be ethical but must be seen to practice these ethical values.

However, any elaborate *system of laws and rules* cannot exhaustively account for all situations especially when the ambit of discretion at the disposal of a public servant widens. It is at this interface of public action and private interest that the need arises for establishing not just a code of ethics but also a code of conduct.

A *code of ethics* covers broad guiding principles of good behavior and governance. They act as a reminder for the members of an organization regarding broad moral standards

e.g. maintaining integrity, ensuring transparency in functioning etc. They provide ethical guidance in difficult or unclear situations.

However, it is not sufficient to have only a Code of ethics. *Code of conduct* is also required, as code of conduct provides a list of acceptable and unacceptable behaviour and action in a precise and unambiguous manner. The specific do's and don'ts such as not accepting bribes, not giving out details on internal working of the organization to the media etc. promote adherence. It makes public servants well aware of acts that are wrong, recognize wrongdoing and actively prevent it. Hence, it introduces a mental barrier into the minds of corrupt or potential miscreants against wrongdoing.

The need for having clear cut codes arises from the fact that civil servants as individuals have their own principles to guide them. This may lead to discrepancies in actions from individual to individual. Also, having a clearly formulated code leaves less scope for interpretation and thus act as an objective tool to guide behaviour of civil servants. Both the code of ethics and of conduct are interrelated. While CoE provides higher principles to follow in performance of duty, a CoC provides specific set of guidelines, derived from the higher principles. Codes of ethics can be used to *revise the code of conduct* to cover behaviour or situation that is not already covered while code of conduct helps in indirectly adhering to the code of ethics by setting standards against which public servants can test their actions and eventually inculcate the habit of doing the right thing for the right reasons. Thus, both serve to meet the same objectives and supplement each other.

- 11. Ensuring that civil service values are recognised during the recruitment process and ensured through a code of ethics after appointment is a necessary condition of making the civil services an effective instrument of citizen centric governance. Comment.**

Approach:

- Briefly define code of ethics and civil service values.
- State the importance of recognizing civil services values during the recruitment process of civil servants and its continuance thereafter through code of ethics.
- Assess whether it is an effective instrument of citizen-centric governance.

Answer:

Civil servants play a key role in nation building as they advise on and implement the policies and programmes that have far reaching consequences. Since they are the decision makers, it is pertinent that the power they exercise is fair and just. This has to be ensured from within and externally. The internal value system of a person is largely formed by the mid-twenties. As such, it is important that this be tested and recognised during the recruitment process. Efforts must be made to ensure that not only the most intelligent and hard-working but also the most ethical aspirants join civil services.

However, in order to take decisions that have far reaching consequences, merely internal system of ethics is not sufficient. The institution of bureaucracy requires that there also be an externally enforced code of conduct as well as general code of ethics to ensure good governance.

Code of ethics is a set of guidelines issued by an organization to its workers and management to help them conduct their actions in accordance with the primary values and ethical standards of the organization. The fundamental tenets of a code of ethics and values in civil services include integrity, empathy, objectivity, transparency, professional competency, among others.

Further issues such as red tapism, corruption, rigid attitude, pulls and pressures of decision making involving discretion etc plague the efficiency of a Civil Servant during his employment and hence the role of an ethical code of conduct becomes significant.

Attaining Citizen Centric Governance which includes grievance redressal mechanisms, active citizens' participation, accountability and maximization of citizen's welfare, is an important goal of civil services. Additionally, services should be provided effectively, efficiently and equitably to all citizens. Certainly, this cannot be achieved without adherence to civil service values.

In this context, it should be noted that there is no single code of ethics for Civil Servants in India. However, there are several conduct rules such as the Central Civil Services (Conduct) Rules, All India Services (Conduct) Rules etc., which prescribe allegiance to the Constitution, apolitical functioning and objective decision-making. Several committees like the Santhanam Committee, Hota Committee, 2nd ARC etc. have recommended a code of ethics for Civil Services in India.

12. *It is at the interface of public action and private interest that the need arises for establishing not just a code of ethics but a code of conduct. In this context, highlight the need for drafting a code of ethics as well as a code of conduct.*

Approach:

- Discuss the need for regulating the conduct/behaviour of public servants.
- Explain the rationale behind having a separate code of conduct & code of ethics.
- Highlight the important differences between the two.
- Conclude by mention how both can be supplemented owing to similarity in their objectives.

Answer:

It is imperative for a public service organization to conduct itself in ways that preserve and enhance public trust and confidence in the integrity of government and its institutions. In the case of public servants, the standards of behaviour must be more stringent, because any person/organization that is privileged to guide the destiny of the people must not only be ethical but must be seen to practice these ethical values.

However, any elaborate *system of laws and rules* cannot exhaustively account for all situations especially when the ambit of discretion at the disposal of a public servant widens. It is at this interface of public action and private interest that the need arises for establishing not just a code of ethics but also a code of conduct.

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However, it is not sufficient to have only a Code of ethics. *Code of conduct* is also required, as code of conduct provides a list of acceptable and unacceptable behaviour and action in a precise and unambiguous manner. The specific do's and don'ts such as not accepting bribes, not giving out details on internal working of the organization to the media etc. promote adherence. It makes public servants well aware of acts that are wrong, recognize wrongdoing and actively prevent it. Hence, it introduces a mental barrier into the minds of corrupt or potential miscreants against wrongdoing.

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11. Previous Years Vision IAS GS Mains Questions: Case Studies

1. *A junior member of staff has just returned to work after taking special leave to care for her elderly mother. For financial reasons she needs to work full-time. She has been having difficulties arranging proper care for her mother, which has led her to miss important team meetings (usually taking place at the beginning of each day) and to leave the office early. She is very competent in her work but her absence is putting pressure on her as well as her overworked colleagues. You being her manager are aware that the flow of work is coming under pressure due to this. One of her male colleagues is beginning to make comments such as "a woman's place is in the home", and is undermining her at every opportunity, putting her under even greater stress. How will you deal with the situation?*

Answer:

Fundamental Principles

1. **Integrity:** You need to be fair to all those involved and act in a straightforward manner.
2. **Confidentiality:** You have a duty of maintaining confidentiality to the staff involved.
3. **Professional behaviour:** How should you proceed so as not to discredit yourself, your profession or the practice for which you work?

Identify Relevant Facts

Consider the firm's policies and, with legal assistance if required, applicable laws and regulations.

Identify affected parties

1. The Junior staff
2. You
3. The member staffs
4. The Male colleague and the HR

Who should be involved in the resolution?

Consider not just who you should involve but also why and when. Do you have access to appropriate staff in HR? Can you consult someone in the office in whom you can confide?

Possible Action

1. Check the relevant facts: Clarify staff procedures with the senior HR manager. Take legal advice if required.

2. Discuss the matter with the staff member: Suggest a more flexible approach to team meetings – do these always have to be in the morning? Working from home may be an option for the junior staff member, if possible.
3. Remind the male member of staff about proper conduct and how such behaviour may amount to harassment and he might have to face legal problems along with the chance of spoiling company's reputation.
4. Throughout, you must be seen to be acting fairly: both towards the junior member of staff, who is responsible for her mother's care, and towards other members of staff.

2. ***"The challenge of climate change presents the world with several fundamental ethical dilemmas. From a global perspective, it presents the world with a collective action problem: all countries have a collective interest in controlling global carbon emissions. But each individual country also has incentives to over-consume in response to societal demands for economic growth and prosperity. Developing nations faced with these costs may encounter further challenges as the impact of climate change will most likely fall disproportionately on the poor, thus also raising issues of fairness and inequality. As an intergenerational problem, the consequences of actions taken by the current generation will have the greatest impact on future generations. While it is intuitive that the current generation has some ethical responsibility to leave an inhabitable world to future generations, the extent of this obligation is less clear. Answer the following questions in this regard:***
- (a) To what extent do humans have a moral responsibility to future generations that are yet to be born?***
- (b) Do developed countries have a greater responsibility to take action and bear more costs of controlling climate change than developing countries?"***

Approach:

- Briefly introduce about the moral problem of climate change.
- With reasoning explain the extent of moral obligations of current generation to future generation.
- Discuss about CBDR and explain the reasons why CBDR should be the way forward in climate negotiations.
- Write a conclusion highlighting the future course of action.

Answer:

The fight against climate change is political, economic, socio-cultural and technological but most importantly ethical/moral where humans as individuals and societies need to limit their greed and selfishness and think about the future generations and their survival.

a) We don't inherit the earth from our ancestors; we borrow it from our children.

The extent of moral responsibility of the present generation towards future generations can be understood from following:

- We have to understand that once emitted a substantial proportion of climate emissions typically remain in the atmosphere for hundreds of years. This means that while the current generation benefits, the costs of its actions will be borne by the future generations.
- Also, the benefits are comparatively modest for e.g., powerful vehicles, but many of the projected costs are severe for e.g., severe flooding and famine.

- If we don't tackle the issue of climate change as an issue of intergenerational ethics, future generations will follow suit. They may feel entitled to emit more, which can make matters even worse for their successors.
- Happiness of future generations can be maximized by a reasonable investment in the present.

Therefore, the Paris Summit, 2015 and SDGs highlighted the moral responsibility of the present generation towards the future generations. Each country came up with its INDCs (Intended Nationally Determined Contributions) to owe such responsibility and leave the world a better place than they inherited.

- b) It is by and large accepted that developed countries ought to be held responsible more for the current predicament of our world and therefore need to do more to improve it. The United Nations recognises the CBDR (Common but Differentiated Responsibilities) principle in the climate change negotiations. It forms a key component of the Paris agreement as well.**

Arguments supporting CBDR are as follows:

- Increase in CO₂ and other GHGs in the Earth's atmosphere are a result of fossil fuel based industrial activity in the industrialized countries of the world. Those least responsible for past emissions are likely to suffer the most serious impacts of climate change.
- While developing countries like India and China are major GHG emitters, the per capita consumption in these countries is very low compared to developed countries.
- If developed countries do not make reductions in their emissions, there will be a progressively smaller carbon space available to accommodate the development needs of developing countries.
- Developing countries currently cannot sustain themselves without relying heavily on fossil fuels. These countries face the challenge of food security, housing, and employment along with global warming.
- Developing countries lack the finances or the technology to develop alternative green technologies to sustain their economies. So, it is the moral responsibility of the developed countries to provide financial and technological support to developing nations.

The only way forward is a path of shared responsibilities where all stakeholders are ready to fulfill their obligations, grow sustainably and provide a healthy and habitable world to our future generations.

- 3. "You are representing India in an international bidding for oil exploration in a country. Other, richer countries are also bidding for the project. You are sure that your bid of exploration is better as well as cheaper than that of others, and that you will definitely win the bid. A day before the auction, you come to know that other countries are employing every means, including bribing the authorities for being successful. Some of the officials of the home country have also contacted you and made some demands in exchange for assurance of India winning the bid. You are aware of the criticality of this bid in terms of domestic economic and strategic implications. Based on above information, answer the following questions. (a) Specify the ethical dilemma(s) that you face in this situation. (b) Do ethical concerns really matter in international transactions or are they secondary to domestic interests? (c) What will be your course of action in the above situation? Justify with merits and demerits."**

Approach:

- Identify the ethical dilemmas that you face.
- Highlight the importance of ethical concerns in international transactions vis a vis domestic interests.
- Then mention the course of action that you would follow. Justify it by taking into account the merits and demerits of the decision.

Answer:

a) The situation in this case study presents the following ethical dilemma:

The dilemma is whether to pay the bribe vs being upright and avoid the temptation to pay.

The former action may help India win the bid, but it will be an unethical course of action and may spoil the image of the country in the long run when the truth comes out in the public. It will also have adverse consequences for India's relations with the countries involved in bidding process. Moreover, this is inimical to a healthy competition, level playing field and innovation. This action will also set a wrong example to others. The action is not only unethical but also illegal as regards to Indian laws. It may not bring in me a sense of accomplishment or content.

The latter course of action may lead to a possible defeat in the bidding process, setback for my career and economic and strategic implications for the country. But it is the right path to follow.

b) Advocates of national interest in international relations argue that national interests are paramount. As Henry Kissinger has said- "there are no permanent ally or permanent enemies, only interests are permanent". These arguments are based on the fact that the government of a country primarily works on the behalf of its citizens and thus it is bound to uphold their interests. The political party in power has to face general elections regularly and its report card of performance evaluates not only domestic but international actions as well. Hence, national interest alone should be paramount in international relations.

However, these arguments suffer from certain inconsistencies. If the national interest alone is taken into account then wrong doings like colonization, regime change, arm twisting of weaker nations etc. will be justified. Further, there exists a wide inequality internationally and if strong nations justify their actions solely based on the national interests than this gap will further widen. Moreover, the global commons will not survive and sustainable development will remain a distant dream.

Thus, fairness, justice, apathy, sustainable development of whole world, equity etc. are ethical principles which are as important as national interests and really matter in international relations.

c) In such situation, I will pursue the following **course of action**:

- a. Verifying, at my own level, the correctness of information related to bribery activities in the auctioning process.
- b. Informing my seniors, seeking their advice as they might have faced similar situation earlier.
- c. Approach the head of the authorities handling the whole process of auction and inform them about inconsistencies which has come to notice and demand a fair and transparent bidding process.
- d. If grievances are not addressed at that level then, after taking my seniors into confidence, we can approach other higher authorities of home country like judiciary for intervention.

Student Notes:

I will also demand that the officials involved in bribe-seeking activities must be punished which will deter such malpractices in future. Those nations who are involved in unfair practices must also be punished (by way of fines, blacklisting them or cancelling their bids).

Justification of such course of action

In international transactions, sometimes unethical actions like bribery are also sought to be justified in the name of national interest. However, on a closer look, such actions are clearly against the national interests in reality. The revelation about involvement in bribery would jeopardize the international relations of future generations of our country.

Further, a single contract cannot be so important to our country that we sacrifice our moral standards and higher values maintained for so long. Moreover, corruption can never be the true foundation of prosperity. The gains obtained from it corrupt the whole society.

By following the stated course of action, I will display faith in the governance of home country, uphold our moral values and there will be higher chances of fair bidding process. As India's bid is better and cheaper, it will ensure India's success. It will generate the good will for our nation among the people of that country; set a right example against corruption in international transaction. Overall, it will be a right step towards the righteousness which we expect in international relations.

4. ***The steady decline in sex ratio suggests that marked improvement in the economy and literacy rates do not seem to have had any impact on this index. In fact, the availability of new technology and its easy access for the urban, wealthy and educated have worsened the trend and harmed the status of women in Indian society. (a) Explain why the phenomenon should not be simply viewed as a medical or legal issue and more attention should be given to the ethical issues involved. (b) Give some suggestions to tackle the problem of declining sex ratio. (c) Discuss the ethical dilemma involved in Right to abortion vs. Prevention of female foeticide. How can this be resolved?***

Approach:

- Give a brief introduction of the case study
- Provide moral values and stakeholders involved in the given case study.
- Explain why the phenomenon must not be seen as medical or legal issue.
- Explain how declining sex ratio involves ethical issues.
- Provide some suggestions to tackle the problem.
- Discuss the ethical dilemma involved in right to abortion vs prevention of female foeticide.

Answer:

In a large sample of population, biological probability suggests that distribution of male and female children should be fairly equal. However, a continuously declining sex ratio suggests human interference to keep the sex-ratio adverse towards female. Use of technology has only aided in this effort. Female feticide is indeed a blot on the society who prays goddesses. The given case study highlights how the wealthy, educated, urban people are misusing technology for selective sex abortion and have contributed to declining sex ratio and have harmed status of women in the society.

The situation reflects patriarchal mindset and involves the unborn girl child, parents, the government and the society at large, as stakeholders.

(a) The phenomenon should not be simply viewed as medical or legal issue as it is not only about the falling Maternal Mortality Rate (that increases due to such procedures carried out by quacks) or about the lapses in the government to implement the laws such as Pre-Natal Diagnostic Technique Act effectively. It is an issue of ethical concern given the following reasons:

- Majority of the affected women are actually forced to go for such abortions hampering their right to life and right to choose.
- Mother of a female child is blamed for her birth and miseries of the family. She is cursed and ill-treated. Even prosperity of the family does not bring attitudinal change towards the girl child reflecting gender bias in society
- The skewed sex ratio in the society gives birth to anti social behaviour and violence such as rapes in case of but not limited to lack of marriageability and family prospects. Thereby, decreasing values of respect towards women.
- The demand for sex workers may increase which may further give rise to human trafficking as well as objectifying or commodifying women in terms of sexual desires of men
- Technology which is for the betterment of humanity is being used to deprive the right to life of an unborn being.
- It is also symbolic of the non-recognition of women's contribution to society mostly because of the non-monistic nature of their work.

(b) Suggestions to tackle the problem of declining sex ratio:

- Strict implementation of laws banning female foeticide and dowry, including fast track courts to deliver on these cases
- Sensitisation of the public by mass awareness campaigns as well as Free and compulsory education for girls
- National helpline number to rescue the would-be mothers
- Reservation for women in specific occupations as a temporary means to achieve an attitudinal change.
- Moral education in schools and colleges to ensure inculcation of a sense of gender equality among people.

Female foeticide should become a political, economic and reformist issue instead of being just a social issue. The schemes such as Beti Bachao, Beti Padhao is a good start in this direction

(c) In India, legally, abortion of a fetus not older than twelve weeks is allowed. This can be extended up to 20 weeks if two medical practitioners authenticate that either mother's life is in danger or the fetus is seriously handicapped. Ethical dilemma revolving around this are:

- If mother's life is in danger, there should be no time limit on termination of pregnancy (Supreme Court judgement). But then, it widens the scope for sex determination and consequent sex selective abortions.
- In the garb of finding out disabilities in the fetus, sex of the child can be examined.
- The right to safe and legal abortion is an essential right of self-determination. Not providing that right is to turn women into birth-machines, but how can it be determined that the woman's choice is not forced.
- Right to abortion is 'Pro-Choice', while prevention of female foeticide is 'Pro-Life'.
- Right to abortion comes within realm of Right to Privacy but looking at the sexist and patriarchal set up of Indian society, decisions about pregnancy are sometimes out of the control of women.

Since high number of women die due to unsafe abortions, so it must be legal, but the Pre-Conception Pre-Natal Diagnostic Techniques Act should be implemented strictly. There should be mandatory registration of pregnancies and all abortions should be monitored. Reasonable criteria for abortion should be set and more stress should be given upon contraception. Complicated abortions should be handled on case-to-case to basis, monitored by the Medical Boards in government medical centres.

There is no ethical dilemma as far as choice between female feticide and right to abortion is concerned. Former is criminal and unethical, while the latter is still a matter of debate. The only dilemma arises whether one considers killing an embryo (irrespective of sex) as an exercise of right to choose or an act of murder. Going forward, this debate has to be resolved by societal discussion and evolving ethical standards. But a right to choose cannot become a means for selective sex abortion.

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