

**UPSC 2019**

**MODEL HINTS**

**General Studies**

**Paper - 4**

MODEL HINTS

**UPSC MAINS 2019****GS PAPER - 4***Time Allowed: 3 hrs.**Max. Marks: 250***Section - A**

1. (a) What are basic principles of public life? Illustrate any three of these with suitable examples. (Answer in 150 words) (10)  
(b) What do you understand by the term public servant? Reflect on the expected role of a public servant. (Answer in 150 words) (10)
2. (a) Effective utilization of public funds is crucial to meet development goals. Critically examine the reasons for under-utilization and mis-utilization of public funds and their implications. (Answer in 150 words) (10)  
(b) "Non-performance of duty by a public servant is a form of corruption". Do you agree with this view? Justify your answer. (Answer in 150 words) (10)
3. (a) What is meant by the term 'constitutional morality'? How does one uphold constitutional morality? (Answer in 150 words) (10)  
(b) What is meant by 'crisis of conscience'? How does it manifest itself in the public domain? (Answer in 150 words) (10)
4. (a) Explain the basic principles of citizens' charter movement and bring out its importance. (Answer in 150 words) (10)  
(b) There is a view that the official secrets act is an obstacle to the implementation of the Right to Information act. Do you agree with the view? Discuss. (Answer in 150 words) (10)
5. (a) What do you understand by probity in governance? Based on your understanding of the term, suggest measures for ensuring probity in government. (Answer in 150 words) (10)  
(b) "Emotional Intelligence is the ability to make your emotions work for you instead of against you." Do you agree with this view? Discuss. (Answer in 150 words) (10)
6. What do each of the following quotations mean to you?
  - (a) "An unexamined life is not worth living." - Socrates (Answer in 150 words) (10)
  - (b) "A man is but a product of his thoughts. What he thinks, he becomes." - M.K. Gandhi (Answer in 150 words) (10)
  - (c) "Where there is righteousness in the heart, there is beauty in the character. When there is beauty in the character, there is harmony in the home. When there is harmony in the home, there is order in the nation. When there is order in the nation, there is peace in the world." - A.P.J. Abdul Kalam (Answer in 150 words) (10)

## Section - B

7. You are the heading the rescue operations in an area affected by severe natural calamity, thousands of people are rendered homeless and deprived of food, drinking water and other basic amenities. Rescue work has been disrupted by heavy rainfall and damaged to supply routes. The local people are seeding with anger against the delayed limited rescue operations. When your team reaches the affected area, the people there heckle and even assault some of the team members. One of your team members is even severely injured. Faced with this crisis some team member pleads with you to call off the operations freeing threats to their life.

In such trying circumstances, what will be your response? Examine the qualities of a public servant which will be required to manage the situations. (Answer in 250 words) (20)

8. Honesty and uprightness are the hallmarks of civil servants. Civil servants possessing these qualities are considered as a backbone of any strong organizations. In the line of duty, they take various decisions, at time some become bonafide mistakes. As long as such decisions, are not taken intentionally and do not benefit personally, the officer cannot be said to be guilty. Though such decisions may, at times, lead to unforeseen adverse consequences in the long term. In the recent past, a few instances have surfaced wherein civil servants have been implicated for bonafide mistakes. They have often been prosecuted and even imprisoned. These instances have greatly rattled the moral fiber of the civil servants.

How does this trend affect the functioning of civil services? What measures can be taken to ensure that honest civil servants are not implicated for bonafide mistakes on their part? Justify your answer. (Answer in 250 words) (20)

9. An apparel manufacturing company having a large number of women employees was losing sales due to various factors. The company hired a reputed marketing executive, who increased the volume of sales within a short span of time. However, some unconfirmed reports came up regarding his indulgence in sexual harassment at the workplace.

After sometime a women employee launched a formal complaint to the management against the marketing executive about sexually harassing her. Faced with the companies' indifference, in not taking cognizance of her grievances, she lodged an FIR with the police.

Realizing the sensitivity and gravity of the situation, the company called the women employee to negotiate. In that she was offered a hefty sum of money to withdraw the complaint and the FIR and also give in writing that the marketing executive is not involved in the case.

Identify the ethical issues involved in this case. What options are available to the women employee? (Answer in 250 words) (20)

10. In a modern democratic polity, there is a concept of the political executive and permanent executive elected people's representatives form the political executive and bureaucracy form the permanent executive. Ministers frame policy decisions and bureaucrats execute these. In the initial decades after independence, the relationship between the permanent executives and the political executives were characterized by mutual understanding, respect, and cooperation, without encroaching upon each other's domain.

However, in subsequent decades, the situation has changed. There are instances of the political executive insisting upon the permanent executives to follow its agenda. Respect for an appreciation of upright bureaucrats has declined. There is an increasing tendency among the political executive to get involved in routine administrative matters such as transfers, posting etc. Under this scenario, there is a definitive trend towards 'politicization of bureaucracy'. The rising materialism and acquisitiveness in social life has also adversely impacted upon the ethical values of both the permanent executive and the political executive.

What are the consequences of this 'politicization of bureaucracy'? Discuss.

(Answer in 250 words) (20)

11. In one of the districts of a frontier state, narcotics menace has been rampant. This has resulted in money laundering, mushrooming of poppy farming, arms smuggling and near stalling of education. The system is on the verge of collapse. The situation has been further worsened by unconfirmed reports that local politicians, as well as some senior police officers, are providing surreptitious patronage to the drug mafia. At that point of time a woman police officer, known for her skills in handling such situations is appointed as superintendent of police to bring the situation to normalcy.

If you are the same police officer, identify the various dimensions of the crisis. Based on your understanding, suggest measures to deal with the crisis. (Answer in 250 words) (20)

12. In recent times, there has been an increasing concern in India to develop effective civil service ethics, code of conduct, transparency measures, ethics and integrity systems and anti-corruption agencies. In view of this, there is a need being felt to focus on three specific areas, which are directly relevant to the problems of internalizing integrity and ethics in the civil services. These are as follows:

1. Anticipating specific threats to ethical standards and integrity in the civil services,
2. Strengthening the ethical competence of civil servant and
3. Developing administrative processes and practices which promote ethical values and integrity in civil services.

Suggest institutional measures to address the above three issues.

(Answer in 250 words) (20)



# UPSC MAIN EXAMINATION

## (GENERAL STUDIES PAPER - 4)

### HINTS

#### Section - A

1. (a) *What are basic principles of public life? Illustrate any three of these with suitable examples.*

**Hints:**

**What is public life and why are principles necessary?**

Public life is aspect of social life which are happening in public. While discussing the basic principles of public life, one must recognize the need of principles in public life. Public officials are expected to uphold highest standards in their actions and an ethical code acts as a guide to achieve this.

When people choose a public life, they must follow an ethic distinct from private morality. While in one's personal life, in our dealings with those with whom we have close daily encounters such as our family, friends or 'servants', we can't help but be partial, and while in the larger public domain, where we face people with different religio-philosophical sensibilities, we can't entirely escape some degree of partiality to our own world view, the public domain requires the impartial or just use of power for the good of all.

Citizens in a public life must be bound together neither by feelings nor by self-interest but by a commitment to common values discovered by public reason – values such as political freedom, solidarity, shared traditions and cultural heritage. Morality in this domain requires that we overcome our loyalty to blood relations, not pursue only our private interests, and commit instead to using power grounded in shared principles. Love and hate are largely imposters in this domain where consensus is forged by the use of public reason. Its democratic version requires that, guided by values of openness, equal respect and justice, we deliberate and help each other arrive at impartial laws and public policies, acceptable in principle to everyone in the polity.

Furthermore, those who wield political/administrative power must realise that what they do has enduring consequences affecting the lives of an incalculably large number of people. This brings with it enormous public responsibility which derives in no small part from the fact that they have at least temporary legitimacy to use force against ordinary citizens. They have, at their disposal, an apparatus of violence simply unavailable to heads of families or members of civil society. Powerful politicians/administrators, therefore, must show great care and sensitivity to the appropriate use of force and violence.

**Explaining and illustrating some basic principles of public life:**

**Selflessness** is characterized by low levels of self-centeredness and a low degree of importance given to the self. Whenever there is the notion of "self", there is fear; the fear of failure, the fear of being defeated, the fear of being rejected, the fear of making mistake, the fear of poor health, the fear of losing face and the fear of not being recognized. It is rather common for us to see someone hesitating to do thing proactively because his or her mind is too occupied with "self" which is followed by "fear". On the other hand, when one forgets about "self", one will have no fear. One will be able to

see thing as it is and nothing more. One will be able to look at thing with the heart of compassion and love. One will have the courage to do what is right. This style of psychological functioning is closely related to characteristics such as altruism, kindness, respect, empathy, compassion and the search for harmony. Today in the society there is an increase in selfishness, and general lack of concern for other individuals. What we have in India today, is not a giving and sharing society, but a grabbing society, not a sacrificing society but a consumer society.

*Mother Teresa's* life can be said to be an embodiment of selflessness. She treated all human beings as children of god and hence loved them as god loved them. She served people in a way that diluted the boundary between I and Other.

**Leadership** is an abstract quality in a human being to induce his follower to do whatever he is directed to do with zeal and confidence. The public servant should be transformational leader. Transformational leaders aim to make team members better people by encouraging their self-awareness and helping them to see the bigger picture of what they do. They want team members to overcome self-interest and move towards achieving the common goals and purposes that are shared with the group. Transformational leaders are often charismatic with a clear vision. They spend a lot of time communicating and gaining the support of the team through their enthusiasm. This vision may be developed by the leader or the team, or may emerge from discussions. Leaders will want to be role models that others will follow and will look to explore the various routes to achieve their vision. They look at long-term goals rather than short-term goals. They are always visible and will be accountable for their actions rather than hiding behind their team. They act as mentors and demonstrate how the team should behave and work together through their own good practice. They listen to the team and often delegate responsibility – they trust their team enough to leave them to grow and solve the problems through their own decisions.

*Lee Kuan Yew*, the founding father of Singapore, was one such leader. With his visionary leadership and strict administration, he radically and completely transformed the society of Singapore.

**Integrity** refers to “honesty” or “trustworthiness” in the discharge of official duties, serving as an antithesis to “corruption” or “the abuse of office.” At the individual level, integrity is more than ethics; it is all about the character of the individual. It is those characteristics of an individual that are consistently considerate, compassionate, transparent, honest, and ethical. According to the Nolan Committee holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that may influence them in the performance of their official duties. This only depicts the concept of maintaining financial integrity. Civil servants should also be guided by a sense of propriety and conduct themselves at all times in a manner that would bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law. Civil servants should take steps to avoid conflicts of interest and the appearance of such conflicts. They should take swift action to resolve any conflict that arises. This obligation continues after leaving office.

**1. (b) What do you understand by the term public servant? Reflect on the expected role of a public servant.**

**Hints:**

**Public servants and their guiding principles:**

A public servant is a person employed in the public sector on behalf of a government department or agency. In other words, public servant is person who works for the government (Centre, State, and Local) such as a teacher, IAS officer, police officers, Judge Etc. to serve the interests of citizens. A public servant is someone who values public good over his/her personal interests in his official capacity.

They have to deal with the management of resources that are publicly owned in a way that enhances public interest. Further, the individuals carrying out the task are publicly accountable for their actions. Public interest means allocation of resources in a way that furthers collective well-being and is consistent with ethical and constitutional norms, thereby helping individuals develop fully into citizens. A public servant while performing his role should exercise certain values like accountability, integrity, honesty,

commitment to public service, effective implementation of policy, leadership, empathy towards the vulnerable sections in their public dealings.

This needs to be qualified that the actions of a public servant must generate common good and general welfare and should not be motivated by sectional or particular interests. There should be a sense of trusteeship in holders of public office and breach of that trust of public should be seen as a crime.

### **Expected Role of Public Servant:**

The expected role of a public servant depends on the sector in which one is working. As a teacher of public school, one should try to impart best possible education to students without any discrimination. As a doctor in government hospital, one must treat his patients well and in best of capacity. As a civil servant, one should try to see that whatever entitlements are people getting should actually reach them. As a political leader, one should understand and represent the voice of people in right forums and help make legislations that solve them.

If we compare with their counterparts in private sector, the only difference will be the motivating force and guiding principles. In public sector, one should not bring into considerations one's own interests in calculations. One must only try to maximize people's interest and that too people in general and not sectional interests. In public offices, enough incentives are given so that people can work without fear and favor if they can keep their in genuine desires under control.

We have had judges like J.S.Verma who worked till age of 80 to prepare report after Nirbhaya rape case. We had great leaders like E. Sreedharan who altered the public transport landscape of cities of India. M.S. Swami Nathan created Green revolution that made India a food surplus country.

When we count such big names, we must not forget the contribution of millions of public servants working in different capacities in different parts of the country that make the system run. Without the dedication and selflessness of people manning the public institutions at meagre wages compared to private sector, a large people like India cannot work.

## **2. (a) *Effective utilization of public funds is crucial to meet development goals. Critically examine the reasons for under-utilization and mis-utilization of public funds and their implications.***

### **Hints:**

#### **The Importance of Efficient Use of Public Resources:**

Effective utilization of public resources is critical to meeting development goals. Key programs in education and health are overwhelmingly conducted within the public sector. And although private provision of infrastructure has expanded in areas like telecommunications and energy, private investors remain wary of socially-oriented sectors such as water and sanitation, and also show little willingness to invest in the poorest countries. At present, though, research indicates that increases in public spending are only weakly correlated with the achievement of development outcomes in most developing countries. Government ineffectiveness – in the form of waste, inefficiency and corruption – is largely responsible.

#### **Reasons of poor utilisation of resources:**

- Poor resource usage is due in part to the fact that public spending is a complex, multifaceted process, which is not naturally transparent to the general public. Budgets typically pass through a sequence of stages, including formulation by ministries, scrutiny by legislative committees, approval by the legislature, distribution of funds to ministries, further distribution to state and local authorities, and end-point delivery. Accountability is hampered by deficiencies that include closed-door discussions, limited documentation, and poor data reliability.
- Weakly-performing public institutions, in turn, can seldom be expected to reform themselves in the absence of external pressure. Unlike private companies, public bodies face no direct competitive pressures, and political systems – especially in developing countries – are often inadequate at mobilizing public pressure for specific institutional reform.

- Weaknesses in public finance management can contribute to ineffective resource use through a number of channels. Corruption can often take a significant toll, but even in countries where government personnel are mostly honest, they can be hobbled by poor systems, inadequate training, or other deficiencies. Wherever allocation decisions are taken outside informed independent scrutiny, societies more powerful and articulate groups tend to sway those decisions – to favor urban areas over rural, middle-class subsidies over pro-poor programs, and certain ethnic/cultural groups over others.
- Under-utilization of Plan outlays by the States can be attributed to the institutional and procedural bottlenecks in the process of implementation of schemes and deficiencies in the planning process being followed at the district level.
- The deficiencies in decentralized planning being carried out in the schemes, resulting due to insufficient staff for undertaking planning activities, inadequate attention to their capacity building and minimal role for community participation in the planning process.
- Bottlenecks in budgetary processes in the schemes, such as delay in the flow of funds, in releasing sanction orders for spending, decision-making in the States being centralized, insufficient delegation of financial powers to the district/ sub-district level authorities and uniform norms of Centrally Sponsored Schemes for all States. Further, lack of need based budgeting in the schemes, which is often carried out without proper analysis of unit costs on the ground, implied allocations for some of the schemes being decided in a top-down and unrealistic manner.
- Systemic weaknesses, manifested as shortage of trained, regular staff for various important roles like programme management, finance/accounts and frontline service provision; this contributed to weaken the capacities of the government apparatus in the States for implementation of Plan schemes.

**Few more points will help us to bring clarity in our understanding about this problem:**

- Misutilisation of public funds includes expenditures that are made without proper authorization or that are unlawful or contrary to applicable legislation, regulations, policies and procedures. It also includes purchases that are not necessarily required. e.g.- diversion of public funds towards publicity and advertisements rather than utilizing them for core structural reforms the funds are actually meant for.
- Underutilisation of public funds includes mean-spirited spending of public funds meant to be spent on various projects, policies, schemes etc. or simply, funds not used in their full potential. Underutilization of public funds is often seen in institutes of higher education where at the end of the financial year a vast amount of money granted by the government or the UGC lies unspent, thereby compromising with the growth of the institutes. Another recent example of this is the CAMPA fund where increase in funding hasn't resulted in any significant increase in forest cover. Even the SC took note of the serious underutilisation of the CAMPA funds, thereby directing the Central and State government to make efficient utilisation of funds.

Underutilisation and misutilisation of public fund leads to blockage in the implementation of various planned schemes and projects. It also compromises with the quality of work done and service rendered to the public. Such handling of public funds also leads to corruption on the part of the authorities concerned. Misutilisation of public funds also runs the risk of making them reluctant to pay taxes or finds ways to save more on them. Under utilisation and misutilisation of public funds often takes place due to political reasons, ill planed economic policies, improper and careless execution of government schemes, inefficient and corrupt, rigid and complex processes for approval and allocation of funds also lead to underutilisation and misutilisation. In the long run, this blooms into an unjust development scenario in which all don't reap the benefits of development. There may be waste of public money or siphoning off by a particular section. This erodes the legitimacy as well as the capacity of state to rule.

**2. (b) "Non-performance of duty by a public servant is a form of corruption". Do you agree with this view? Justify your answer.**

**Hints:**

Here, we need to see that corruption has to be interpreted in a broader way than ordinary meaning in terms of use of public office for private gains. Here, we will mean that any deviation from ideal role and duties of a public servant may be deemed to be corruption. Ordinarily, corruption is the abuse of entrusted power for private gain. But, corruption is a general term covering misuse of authority as a result of consideration of personal gains which need not be monetary. It leads to a behaviour which deviate public officials from the normal duties. This includes behaviour such as bribery, nepotism and misappropriation.

**Different forms of deviation from duty where personal interests are involved:**

- **Embezzlement:** It is theft of resources by people who are put to administer it. It occurs when unfaithful employees steal from their employers. This is a serious offence when public officials are misappropriating public resources, when state official steals from the public institution in which he or she is employed and from resources he is supposed to administer on behalf of the public.
- **Nepotism:** Nepotism is typical favouritism, in which an officer prefers his proper kinfolk and family members (wife, brothers and sisters, children, nephews, cousins, in-laws). Many unrestricted presidents have tried to secure their (precarious) power position by nominating family members to key political, economic and military/security positions in the state apparatus.
- **Conflict of Interest:** It is small but significant part of wider problem of police ethics and corruption.
- **Favouritism:** Favouritism is a tool of power abuse implying "privatisation" and a highly biased distribution of state resources, no matter how these resources have been amassed in the first place. Favouritism is the natural human tendency to favour friends, family. Favouritism is closely related to corruption so far as it implies a corrupted distribution of resources. It can be said that this is the other side of the coin where corruption is the accumulation of resources.
- **Fraud:** Fraud is a financial crime that involves some kind of deception, swindle or deceit. Fraud involves a manipulation or distortion of information, facts and expertise, by public officials positioned between politicians and inhabitants, who seek to draw a private profit. Fraud is when a public official, who is responsible for carrying out the orders or tasks assigned by his superiors (principal), manipulates the flow of information to his private profit, hence the widely used principal-agent or incentive theory employed by economists to study this phenomenon (Eskeland and Thiele 1999).
- **Bribery:** This form of corruption is the payment (in money or kind) that is given or taken in a corrupt relationship. A bribe is a fixed sum, a certain percentage of a contract, or any other favour in money of kind, usually paid to a state official who can make contracts on behalf of the state or otherwise distribute benefits to companies or individuals, businessmen and clients.

**Non-performance of duty by a public servant as a form of corruption:**

Ideally, a public servant should use his office that derives legitimacy from the public and utilizes public resources to serve public interests only. This is the essence of public service or the 'nature and character' of public service. Now, there can be various ways to deviate from this ideal type. There may be unaccountable but right use of public resources, there may be abuse of resources by duty elected democratic government, there may be accountable use of resource for sectional interest etc. What one needs to see that there may be occasions where a person who deviates from principles and values of public services is not gaining any benefits in material terms. Still, this doesn't render that act less corrupt. This is the sum and substance of our discussion.

It is not only action but inaction also that may be corrupt. A public servant should be dedicated to serve public interest and should be transparent and accountable in conduct. They must act selflessly. They should be impartial as well. If a police officer is mute at the time of a riot and allows one

community to slaughter another community, he will be deemed to be corrupt because he is not performing his duty adequately. If a policy maker allows certain sections of society to reap benefits of that policy without personally gaining from it, he will be deemed to be corrupt. If a decision is taken on non-objective considerations to give someone some benefit without bringing personal benefits, this decision will make one corrupt.

Hence, we see that whenever public servants act in ways that violates set standards for public servants, they violate their dharma i.e. natural order of things that hold everything together. In ancient Indian texts, going against *dharma* makes one *bhrast*. *Bhrast* basically means deviation and that deviation is from a pre-determined right course of action. That deviation itself is what is enough to make one corrupt and not what fruits or pains that deviations brings to one.

From this paradigm, being non-corrupt is not only an act of omission but a positive act of commission where simply not doing wrong isn't enough but one needs to do the right thing one is supposed to do.

### **3. (a) What is meant by the term 'constitutional morality'? How does one uphold constitutional morality?**

#### **Hints:**

Morality as we know is individual's sense of right and wrong. Hence, constitutional morality is broadly a metric of what the constitution deems to be right or wrong. The values of any country's constitution depends upon its tradition, its social and cultural movements, the vision of its founding fathers etc. In case of India, the national freedom movement, socio-cultural reform movements, traditions of thousand years, the progressive radical outlook of constituent assembly went into defining what our constitutional morality would be.

Very briefly, our constitution believes that inequality is not right (Article 14), injustice is wrong (Preamble), deprivation of human dignity is not right (Article 21) etc. It doesn't deem right deprivation of some fundamental rights of individuals in the name of culture (Article 14). It doesn't allow state to intervene into cultural practices if they don't infringe upon basic rights (Article 29/30). So, these are some ideals our constitution gives to us based on which our society and state that repasts it takes decisions. This is the sum and substance of constitutional morality. This prefix clearly gives a special status to constitutional morality among other competing sources of morality like religion, culture, customs, laws etc.

As we know, India society has unimaginable diversity of all kinds be it language, religion, caste, ethnicity, tribes etc. Each of these impose alternate versions of morality on an individual. They may also be at conflict. Religion ordinarily subjugates women but article 14 treats them equally. Hence, a mutually agreeable set of right and wrong is needed to resolve such conflicts. We cannot allow cultural relativism to prevail as it will lead to chaos.

To uphold constitutional morality, first of all one should know what it is. One should be well versed with not only letter but spirit of constitution. Indian constitution keeps individual growth and progress at the center and attempts to reform existing social practices in this direction. Regressive practices like untouchability, child marriage, gender discrimination etc. have been banned. It upholds individual liberty and sense of dignity. It attempts to create a just society. Hence, in one's actions, one must try to see if golden triangle of article 14, 19 and 21 are reflected or not. One should also keep essence of judicial pronouncements in mind as they clarify what our founding fathers envisaged while making the constitution. Constituent assembly debates can be another way to enter the minds of the makers of constitution. Part 3 and part 4 of the constitution are the most important parts that contain what kind of society India has to become. This part should guide one in taking actions on public life.

If we take leaf from judicial verdicts of recent past, verdicts on section 377, Sabrimala judgment, Aadhar judgment etc. all are guided by this constitutional morality like freedom of individual, equality of treatment, respect for privacy etc. The doctrine of creative interpretation and a good sense is needed to grasp what this morality is. Even such laws which don't go with this spirit should be opposed.

### 3. (b) What is meant by 'crisis of conscience'? How does it manifest in the public domain?

#### Hints:

#### Conscience and nature of its sanctions:

Conscience is defined by its inward looking and subjective character, in the following sense, conscience is always knowledge of ourselves, or awareness of moral principles we have committed to, or assessment of ourselves, or motivation to act that comes from within us (as opposed to external impositions). Through our individual conscience, we become aware of our deeply held moral principles, we are motivated to act upon them, and we assess our character, our behavior and ultimately our self against those principles. Reference to the self indicates that, from a psychological point of view, conscience involves introspection, awareness of one's behavior, and self-assessment. Being 'judged' by one's conscience can lead to guilt and other 'punitive' emotions. Conscience refers to a person's sense of right and wrong. Having a conscience involves being aware of the moral rightness or wrongness of one's actions, or the goodness or badness of one's intentions.

In philosophical, religious, and everyday senses, the notion of conscience may include the following separable elements.

- Firstly, conscience may refer to the moral principles and values that a person endorses. In this sense, one can be said to go against conscience, where this means going against one's basic moral convictions.
- Secondly, conscience may refer to a faculty whereby human beings come to know basic moral truths.
- A third aspect closely associated with conscience pertains to self-scrutiny: conscience involves a person's examination of his or her own desires, and actions, and connects with sentiments of self-evaluation, such as guilt, shame, regret and remorse. This aspect of conscience is encapsulated in the expression "pangs of conscience," which designates the painful experience of being found morally wanting by the lights of one's own self-scrutiny. Living with painful emotions such as guilt and shame are elements in a "bad conscience".

#### Freedom of conscience:

Freedom of conscience is today protected by the United Nations Universal Declaration of Human Rights, which reads: "Everyone has the right to freedom of thought, conscience and religion" (art. 18). Constitution of India also categorically says that freedom of conscience is a fundamental rights and stands to protect it through most immediate means like writ petitions. This is because of cardinal role of conscience in growth and self-realization of an individual. A society cannot become great by dwarfing its own people.

#### Crisis of conscience:

Crisis of conscience is a situation in which someone feels worried or uncomfortable because they have done something which they think is wrong or immoral. It is the inability to act based on what one think to be right. It may be due to external obligations to act in certain specific ways. They may be structured customary morality, laws, rules, religion etc. Whatever they may be, the point is a gap between internal and external calling and inability to defend call of conscience. It leads to *erosion of freedom of conscience*.

Problematic is the moral and political debate about the freedom to *act*, or to *refrain from acting*, according to one's conscience, especially where there are professional roles or legal obligations that would demand otherwise. In fact, appeals to conscience and freedom of conscience are often deployed to claim and justify "conscientious objection" to certain activities that someone would otherwise be required to perform. According to those who are against a right to conscientious objection, professional obligations trump any value conscience might have and any principle that might justify conscientious objection.

### Manifestations in public domain:

Another example is conscientious objection to the *military service* where conscription is in place. Although originally conscientious objection to war was mainly a religious issue, in more recent times the objection to war has been put forward and granted without explicit reference to any religious justification. There may be pacifist opposition to war.

In health care, conscientious objection involves practitioners not providing certain treatments to their patients, based on reasons of morality or “conscience.”



Crisis of conscience can at times be so strong that people are forced to commit suicide. This happened with a photo journalist who was covering apartheid Africa struck with famines. His professional ethics didn't allow him to touch any person in the famine ridden area and hence he couldn't help a child. Though his photo shook the conscience of the world, the inability to help and save the child created crisis of conscience in him. Within few days of return from Africa, he committed suicide due to guilt. The person was *Kevin Carter*.

#### 4. (a) Explain the basic principles of citizens' charter movement and bring out its importance.

##### Hints:

It has been recognised the world over that good governance is essential for sustainable development, both economic and social. The three essential aspects emphasised in good governance are transparency, accountability and responsiveness of the administration. The “Citizen's Charters initiative” is a response to the quest for solving the problems which a citizen encounters, day in and day out, while dealing with organisations providing public services. The concept of Citizen's Charter enshrines the trust between the service provider and its users.

The concept was first articulated and implemented in the United Kingdom by the Conservative Government of John Major in 1991 as a national programme with a simple aim: to continuously improve the quality of public services for the people of the country so that these services respond to the needs and wishes of the users.

##### Principles:

The basic objective of the Citizen's Charter is to empower the citizen in relation to public service delivery. The six principles of the Citizen's Charter movement as originally framed were:

1. **Quality:** Improving the quality of services;
2. **Choice:** Wherever possible;

3. **Standards:** Specifying what to expect and how to act if standards are not met;
4. **Value:** For the taxpayers' money;
5. **Accountability:** Individuals and Organisations; and
6. **Transparency:** Rules/Procedures/Schemes/Grievances.

#### **Importance of Citizens' charter and its principles:**

- A Citizen's Charter is the expression of an understanding between citizens and the provider of a public service with respect to the quantity and quality of services the former receive in exchange for their taxes. It is essentially about the rights of the public and the obligations of the public servants. As public services are funded by citizens, either directly or indirectly through taxes, they have the right to expect a particular quality of service that is responsive to their needs and is provided efficiently at a reasonable cost.
- The Citizen's Charter is a written, voluntary declaration by service providers about service standards, choice, accessibility, non-discrimination, transparency and accountability. It should be in accordance with the expectations of citizens. Therefore, it is a useful way of defining for the customers the nature of service provision and explicit standards of service delivery.
- A further rationale for the Charters is to help change the mindset of the public official from someone with power over the public to someone with the right sense of duty in spending the public money collected through taxes and in providing citizens with necessary services. However, the Citizen's Charter should not simply be a document of assurances or a formula which imposes a uniform pattern on every service.
- It is meant to be a tool kit of initiatives and ideas to raise the level of standards and service delivery and increase public participation, in the most appropriate way.
- The Charter should be an effective tool to ensure transparency and accountability and should help deliver good governance if implemented vigorously by the government departments.

#### **Critical reflection on nature of sanction:**

However, these promises are not enforceable in a court of law, thus its implementation depends on the moral reasoning of the individuals. Charters are both ethically and morally binding on public authorities but these are not legally binding decisions. The content of the charter is not justiciable. A citizen cannot sue an organization for not abiding by its self-proclaimed standards of service embodied in a citizen's charter. The charter may thus be seen as only emphasizing the moral dimensions of civil service accountability.

Publication of citizen's charter on the walls and website has a demonstration effect. It educates people. The moment people get to know their entitlements, information hierarchy breaks down to some extent. It brings in black and white the duty and rights of officers and people respectively. This parity in knowledge itself puts public officers in a discomfort. They come under scanner regarding the efficiency of work. Despite absence of legal sanction, the sheer presence of public eyes activates moral compass of the officer. Public shaming is a key source of motivation for people to do well. Nobody appreciates social boycott or downgrading in the eyes of people. The possibility of being asked questions and subsequent embarrassment by civil society makes officer's work for the spirit of the service.

#### **4. (b) *There is a view that the official secrets act is an obstacle to the implementation of the Rights to Information act. Do you agree with the view? Discuss.***

##### **Hints:**

Recently, the government has sought action against The Hindu newspaper and news agency ANI under Official Secrets Act, 1923 for publishing documents related to India's deal to buy 36 Rafal jets from France. Judiciary however made it crystal clear and dispelled the doubts many of us have regarding Official Secrets Act being an obstacle in effective implementation of Right to Information Act.

Following are the provisions that clarify what happens when OSA and RTI act come into interaction and have conflict:

- Whenever there is a conflict between the two laws, the provisions of the RTI Act override those of the OSA.
- Section 22 of the RTI Act states that its provisions will have effect notwithstanding anything that is inconsistent with them in the OSA.
- Similarly, under Section 8(2) of the RTI Act, a public authority may allow access to information covered under the OSA, "if the public interest in disclosure outweighs the harm to the protected interests".
- Section 24, which mandates even security and intelligence organisations to disclose information on corruption and human rights violations.

### **Inference about OSA being an obstacle in implementation of RTI Act:**

One needs to understand that when RTI movement was gathering momentum, the debate between need for secrecy and need for transparency already existed. Beyond a point, it was not acceptable to those leading the movement to accept only dilution of OSA but they demanded a full-fledged RTI Act. Hence, the way RTI Act has been crafted and provisions put very much takes care of the fact that OSA must not become a roadblock in releasing the information. If we closely read above provisions, it becomes quite clear that OSA, for one, is not an obstacle. In case of conflict, law is clear to give way to RTI.

But yes, there are many other issues that don't allow for effective implementation of RTI Act. We will discuss them as follows:

### **Issues in effective implementation of RTI Act:**

- While the Act has been clear in defining the responsibility of the appropriate Government, with respect to creating awareness on the Act, there has been lack of initiative from the Government's side. The efforts made by appropriate Governments and Public Authorities have been restricted to publishing of rules and FAQs on websites. These efforts have not been helpful in generating mass awareness of the RTI Act. As compared to RTI Act the common citizens (and disadvantaged communities) are significantly more aware of other Government schemes focused on socio-economic development.
- As per the Act, the information has to be provided within the stipulated time. However as per our survey it was highlighted by the PIOs that they are challenged to provide the information within the stipulated time due to inadequate record management procedures with the Public Authorities. It is a known fact that the record keeping process within the Government is a big challenge. This situation is further aggravated due to non-availability of trained PIOs and the enabling infrastructure (computers, scanners, internet connectivity, photocopiers etc.). Public Authorities need to meet the requirements of the RTI Act to review their current record keeping procedures and other constraints and plan out the resources.
- The training of PIOs is a big challenge primarily due to a) huge number of PIOs to be trained b) frequent transfers of PIOs to other posts. The training institutions also possess a huge constraint with respect to the availability of training resources. Also, it was observed that in the current manner of providing training, there is a low involvement of the Public Authority and an inadequate sense of urgency in getting their PIOs trained.
- **The situation can be summarized as follows:**
  - The current record management guidelines at Centre and in most states are not geared to meet the requirements specified under the RTI Act.
  - There is lack of any electronic document management system in any of the Departments (basis the Information Provider Survey).
  - Majority of the PIOs surveyed do not even maintain the list of RTI applications electronically.

- As has been mentioned earlier, the issue of implementation of the RTI Act at an operational level rest with the Public Authority. The appropriate Government and Information Commission can play only a facilitative and adjudicative role. Unless the Public Authorities assess the issues of implementation and identify resources required, there would not be any focus on implementation.
- During the information seeker survey it was noted that there is no centralized data base of RTI (at the State/Centre level) applicants (which was one of the reasons resulting in delay in conducting the survey). Given the current situation, neither the State Government nor the State Information Commission is in a position to confirm the number of Public Authorities within a Department and therefore the details on the number of applications filed.
- One of the most important roles of the Information Commission is to monitor and review the Public Authority and initiate actions to make them comply with the spirit of the Act. However this has been one of the weakest links in the implementation of the Act. It is acknowledged and appreciated that the Information Commissions have been primarily been spending most of their time in “hearings” and disposing of appeals. However monitoring the Public Authority for compliance of the Act is also an important aspect of the role of the Information Commission, which could result in reducing the number of appeals.
- The pendency at the Information Commission is a huge challenge. Unless and until the pendency is kept at manageable level, the objective of the Act would not be met. High pendency of appeals is due to non-optimal processes for disposing of appeals and complaints.
- The benefits of setting up regional offices far outweigh the initial capital costs involved in setting them up.

#### **Conclusion:**

Rather than getting carried away by draconian provisions of OSA, the need is to look at the entire process of RTI act and mend the loopholes as highlighted above. Improvements at levels of people, institutions and government functionaries is needed.

#### **5. (a) What do you understand by probity in governance? Based on your understanding of the term, suggest measures for ensuring probity in government.**

##### **Hints:**

The quality of having strong moral principles; honesty and decency can be understood as probity. But there's a slight difference, whereas on one hand honesty is about being truthful and transparent, not hiding facts and not lying, probity on the other hand is when there comes an outwards orientation to it, when one attempts to appear to be honest, when one makes sure that people get to know that one is not dishonest or simply it is the evidence of ethical behaviour in a particular process. Probity in governance is an essential requirement for efficient and effective delivery of socio economic development and governance through strict adherence to code of ethics based on honesty, integrity and impartiality, confidentiality and transparency. An important requisite for ensuring probity in governance is absence of corruption. The other requirements are effective laws, rules and regulations governing every aspect of public life and, more important, an effective and fair implementation of those laws, etc. Indeed, a proper, fair and effective enforcement of law is a facet of discipline.

There are several Objectives of probity in governance:

- To ensure accountability in governance
- To maintain integrity in public services
- To ensure compliance with processes
- To preserve public confidence in government processes
- To avoid the potential for misconduct, fraud and corruption

Probity in governance is basic requirement for successful operation of governance. It is defined as a risk management approach ensuring procedural integrity. It is concerned with procedures, processes and systems rather than outcomes. It requires people to act ethically, impartially, honestly and with fairness. To make probity governance effective, government has to eliminate corruption. The other requisites of probity are effective laws, rules and regulations governing every feature of public life and an effective and reasonable implementation of those laws.

For ensuring probity in governance, several measures are necessary, some of which are mentioned herein below:

- Need for enforcing section 5 of the Benami Transactions (Prohibition) Act, 1988
- Necessity for a law providing for confiscation of illegally acquired assets of public servants
- Enactment of a Public Interest Disclosure Act - strengthening of whistleblower act, RTI act etc.
- Necessity for enacting a Lok Pal Bill in addition to the Central Vigilance Commission Act
- Strengthening of the Criminal Judicial System
- Sense of Discipline- instilled by head of organisations and leaders of society. Example: Lal Bahadur Shastri used to pay when his sons used official car.
- Behavioral change in bureaucrats through training, performance appraisal, inculcation of values like empathy and compassion.
- E-Governance- use of ICT for transparency. It would also help in anonymous complaint against public servants by ordinary people.

#### **Conclusion:**

So, a mixture of adequate rules and regulations, creating conducive administrative processes and development of ethical competence is needed to ensure probity in governance. Too much dependence should not be on external mechanisms because this always keeps a possibility of breach but focus should be ultimately to create men of strength and character who uphold such values on their own.

#### **5. (b) "Emotional Intelligence is the ability to make your emotions work for you instead of against you." Do you agree with this view? Discuss.**

#### **Hints:**

*"In order to have anything like a complete theory of human rationality, we have to understand what role emotion plays in it."* - (Herbert Simon, American Nobel Laureate scientist)

At the point of decision, emotions are very important for choosing. In fact even with what we believe are logical decisions, the very point of choice is arguably always based on emotion. As Dr. Simon and others have pointed out, emotions influence, skew or sometimes completely determine the outcome of a large number of decisions we are confronted with in a day. Therefore, it behooves all of us who want to make the best, most objective decisions to know all we can about emotions and their effect on our decision-making.

People who are emotionally intelligent don't remove all emotions from their decision-making. They remove emotions that have nothing to do with the decision. The secret to making smarter decisions that aren't swayed by your current emotions, particularly when your emotions are unrelated to the decision at hand, could lie in emotional intelligence. Emotional intelligence is a term used in psychology to signal the ability to identify and control both your and others' emotions, and to apply that ability to certain tasks.

Decisions, especially decisions involving risk, are often guided by emotions, such as anxiety, that in fact emerge from completely unrelated events. Emotionally intelligent leaders are less likely to make a mistake with "incidental" anxiety because they recognize the irrelevant source of their emotions. Leaders can also help others reduce the impact of incidental anxiety by simply pointing out the true source of their emotions.

Leaders who perceive and relate to the emotions of those they direct are going to be seen as more caring and understanding leaders. Leaders who can better manage their own emotions will also develop more positive relationships with subordinates and superiors. Finally, emotionally intelligent negotiators have been proven to be more effective.

Only when we see this final result can we effectively utilize knowledge of emotions and feelings in the decision making process. Instead, if we try to understand that any particular emotion, say, disgust, will result in a feeling of, say, "loathing" or "judgmental" or "detestable," then we can better evaluate the matter and take the better action. Leaders must not allow incidental emotions to color their decision-making, especially involving risks. Leaders are often warned to pay attention to assumptions and biases.

#### **Ways to make emotions work for you in decision making process:**

- Name what you are deciding.
- Recognize and name all feelings you are experiencing in connection with the decision.
- Bring your feelings inward to identify its root cause (an emotion).
- Process that emotion, not one of its symptoms (a feeling).
- Be aware of whether you want to make a decision from this specific emotion or if you want to adjust the course.

Of course, you also need to do all the usual things you frequently hear about as conducive to objective decision making, such as avoiding making decisions when you are tired, stressed or being influenced by non-objective actors. Nevertheless, identifying the root or emotional basis of your feelings will go a long way toward improving your decision making.

#### **6. What do each of the following quotations mean to you?**

**(a) "An unexamined life is not worth living." - Socrates**

##### **Hints:**

Socrates was a Greek moral philosopher and a proponent of virtue ethics. In his times, philosophers normally agreed that knowledge is something that brings virtue to person. Being virtuous was end in itself for some and a means to good life for others. Hence, examination of your life, its ends, its meaning, raising questions like what is a life worth living etc. were necessary to find problems with and limitations of present state of living.

For me, it means that simply living i.e. following gives goals of life through already chartered paths is not a good way to live and shrinks the canvas of life. Each one of us should sometime in our lives must question the things around us, the norms that we live under, the goals that we are made to chase as adult members of a cultural community, the roles we are expected to engage in etc. One must fundamentally doubt everything at least theoretically not to disrupt everything but to get clarity about what is good and what is bad in what one does normally. It makes us authentic and helps us realize our true selves. It creates originality in our being. This makes our lives truly ours. It doesn't reduce us to a cog in the wheel of large societal necessities. Basically, this examination is a quest to become a free individual where grammar of one's life is based on conscious, free choices one makes.

**6. (b) "A man is but the product of his thoughts. What he thinks, he becomes." - M.K.Gandhi**

##### **Hints:**

This quote explains how one's thoughts largely determine what one becomes. This is because, borrowing from John Locke, human mind is a clean slate at the time of birth. With socialization, it learns. So, it is what we think develops into our attitude. This attitude reflects in our behaviors also.

If one thinks positively, a sense of hope and optimism will develop. This will push person to take lead, act and affect change. On the contrary, if one thinks negatively, it breeds hopelessness and pessimism. It chokes initiative.

This can be corroborated with various examples. Hitler, at his cognitive level, was adamant that Jews were responsible for all the problems of Germany. This developed into a feeling of hatred and manifested into behavior of anti-Semitism. On the contrary, Mandela understood that forgiveness is better than revenge and justice is better than reconciliation. This thought converted into an attitude of humility and compassion and manifested into post-apartheid policy of Mandela.

This is so because our thoughts are seeds of our attitude and behaviors. This can be understood through analyzing Cognitive, Affective and Behavioral components of attitude formations. In ancient Indian texts also, it has been advised to keep thoughts high and clean as what we continuously think becomes our *Vritti*. This becomes our disposition and goes out of conscious control also. In long term, guiding our small actions, without our realizing, it determines our destiny.

**6. (c) "Where there is righteousness in the heart, there is beauty in the character. When there is beauty in the character, there is harmony in the home. When there is harmony in the home, there is order in the nation. When there is order in the nation, there is peace in the world." - A.P.J. Abdul Kalam**

**Hints:**

To me, this quote basically means that it is individual moral conduct that determines what kind of world we make. Socrates argues that state is individual writ large. It is also said that people make institutions and institutions build nations. Elsewhere, we have seen that states are not moral agents but humans are. What these statements together indicate that the unit of our world is ultimately individual and his moral conduct.

Rather than giving speeches about grand changes that should come in world, one should work on his moral framework. That will pass on to next generation through socialization. A society or community will uphold the values that each family constituting it upholds. This is because ethics helps build relationships. A society with good value system will elect such government. That government will be accountable to people and make appropriate policies. Amartya Sen argues that in a democracy, people get the government they deserve. This way, we can realize that ultimate values guiding our civilization at a particular time will be average of what majority of individuals feel strongly about. If people are largely honest, as in Japan, its politics will be in accordance. If people are corrupt, it will also get reflected in all institutions.

Hence, Gandhi said that be the change you want to see in the world.

### Section - B

**7. You are the heading the rescue operations in an area affected by severe natural calamity, thousands of people are rendered homeless and deprived of food, drinking water and other basic amenities. Rescue work has been disrupted by heavy rainfall and damaged to supply routes. The local people are seeding with anger against the delayed limited rescue operations. When your team reaches the affected area, the people there heckle and even assault some of the team members. One of your team members is even severely injured. Faced with this crisis some team member pleads with you to call off the operations freeing threats to their life.**

**In such trying circumstances, what will be your response? Examine the qualities of a public servant which will be required to manage the situations.**

**Hints:**

This is a case to demonstrate Crisis Leadership. The situation is in demand of leadership skills that can find solutions where there is lack of cooperation from public, the supplies are disrupted, and the team is demotivated. I am faced with competing priorities to undertake rescue operations, manage anger of victims and keep the team motivated amidst crisis. The problem is that all these three goals are

interrelated and posed as challenge simultaneously. Without the team being motivated, the rescue work cannot be effective. Without stopping of manhandling, the team won't be motivated. Without the rescue being effective and visible, the anger of victims won't be manageable. Hence, all three need to be dealt with simultaneously.

Still, it is action of the team that can cut some ice with the victims. It is the tangible hope that administration is in work that can appease people. Only rhetoric will not pacify them.

**Following are the qualities needed to manage the situation:**

1. Dedication to public services to muster up all resources and will to solve the problem
2. Presence of mind and ability to find innovative solutions
3. Leadership Qualities for leading by example, acting as role model, inspiring and instilling confidence and show motivational capacity to energize the team
4. Compassion towards victims of the calamity
5. Emotional Intelligence to not let anger, frustration etc. to deviate me from work at hand and to understand frustration of victims and empathize with them

**Response in order:**

1. Motivating team to put rescue operations at top priority and ignore for a while anger of victims. This is because till the people see that administration is in action to save and help them, their anger will not come under control. Here, team members need to put service before self and bear with and ignore manhandling. This is where values like compassion, dedication to public service and emotional intelligence will be out to test.
  2. First securing women, elderly and children will be my priority because they are the ones who are most vulnerable. When people will see their children being saved by the administration, it is possible that they will come in cooperation.
  3. Shifting dislocated people to a makeshift arrangement to take advantage of economies of scale. Community resilience is tested at times of crisis. People at one common place can be supplied basic amenities more easily. It will also be administratively easy to manage people at one common place.
  4. Restoration of basic supplies like food, water and medicine by roping in Special Forces if needed.
  5. Contacting superior authorities to update them about situation, seeking guidance and asking for help.
  6. Roping in civil society to help in rescue operations.
  7. Asking for able bodied youth to help administration in the operations.
  8. Once emergency situation gets normalized, restoration of normal life by relocating people to their original places and undertaking reconstructions.
- 8. *Honesty and uprightness are the hallmarks of civil servants. Civil servants possessing these qualities are considered as a backbone of any strong organizations. In the line of duty, they take various decisions, at time some become bonafide mistakes. As long as such decisions, are not taken intentionally and do not benefit personally, the officer cannot be said to be guilty. Though such decisions may, at times, lead to unforeseen adverse consequences in the long term. In the recent past, a few instances have surfaced wherein civil servants have been implicated for bonafide mistakes. They have often been prosecuted and even imprisoned. These instances have greatly rattled the moral fiber of the civil servants.***

***How does this trend affect the functioning of civil services? What measures can be taken to ensure that honest civil servants are not implicated for bonafide mistakes on their part? Justify your answer.***

**Hints:**

The *raison d'être* of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organization. Risk-taking should form part of government functioning. Every loss caused to the organization, either in pecuniary or no pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. One possible test for determining the bona-fides could be whether a person of *common prudence* working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organization. Even more than in government, managerial decision-making in public sector undertakings and day-to-day commercial decisions in public sector banks offers considerable scope for *genuine mistakes* being committed which could possibly raise questions about the bona-fides of the decision-maker.

Civil servants take decisions based on *bounded rationality*. Even when intention is good and in keeping with values of public services, outcome cannot be completely predicted. There are many factors that interact in complicated ways to produce an outcome.

*For instance, if an order is executed to ban smoking of tobacco and drinking of alcohol and people switch to abuse of prohibited cough syrups and drug menace spreads, one cannot hold the bureaucrats guilty for it.*

There is no moral issue but an issue of administrative foresightedness. A person cannot be punished for not being wise enough. *Deontological approach* also says that since outcome cannot be predicted, one's action can only be judged based on intent. However, since there is a tangible loss to public, an accounting should always be done, mistakes identified and lessons learnt for future. Before this, there must be a stringent enquiry to know how much application of mind took place before decision was taken and whether there was wilful ignorance.

It is generally assumed by the investigating agencies that (1) a decision should be wrong for there to be corruption, and (2) it is easier to involve everyone in the chain of decision making and allege 'conspiracy' than to take pains to find out the individuals who are actually involved. It is often overlooked that a corruption can take place even when the decisions are correct and that it also takes place at specific points inside and outside the system. This entrenched approach to investigation has led to conviction rates being dismally low, honest functionaries getting demoralized and dishonest ones often going scot free.

**How does this trend affect the functioning of civil services?**

It basically discourages decision making. If one is always vulnerable about being hold guilty for an outcome which one can anyway not predict totally, one would prefer to play safe, defend status quo and take decisions based on precedents. When situations demand innovation and out of box thinking for which law is silent or ambiguous, immediate action is needed, precedents don't exist, one is left confused what to do. Taking risk is only way out. What can only be ensured that such risks are taken is spirit of public service with best application of intelligence and experience. Since it is done in public interest without personal benefits, an individual should not be at least punished for adverse outcomes. This calculated risk in right spirit should not be equated with adventurism like Mao's Cultural Revolution. This also goes in tandem with corrupt civil servants going Scott-free. This is a deadly combination which breaks the moral fiber of the system. This gives a signpost to the new entrants that honesty is not cherish able virtue.

**What measures can be taken to ensure that honest civil servants are not implicated for bonafide mistakes on their part?**

- Every allegation of corruption received through complaints or from sources cultivated by the investigating agency against a public servant must be examined in depth at the initial stage itself before initiating any enquiry. Every such allegation must be analyzed to assess whether the allegation is specific, whether it is credible and whether it is verifiable. Only when an allegation

meets the requirements of these criteria, should it be recommended for verification, and the verification must be taken up after obtaining approval of the competent authority. The levels of competent authorities for authorizing verifications/enquiries must be fixed in the anti-corruption agencies for different levels of suspect officers.

- In matters relating to allegations of corruption, open enquiries should not be taken up straightaway on the basis of complaints/source information. When verification/secret enquiries are approved, it should be ensured that secrecy of such verifications is maintained and the verifications are done in such a manner that neither the suspect officer nor anybody else comes to know about it. Such secrecy is essential not only to protect the reputation of innocent and honest officials but also to ensure the effectiveness of an open criminal investigation. Such secrecy of verification / enquiry will ensure that in case the allegations are found to be incorrect, the matter can be closed without anyone having come to know of it. The Inquiry/Verification Officers should be in a position to appreciate the sensitivities involved in handling allegations of corruption.
- The evaluation of the results of verification/enquiries should be done in a competent and just manner. Much injustice can occur due to faulty evaluation of the facts and the evidence collected in support of such facts. Personnel handling this task should not only be competent and honest but also impartial and imbued with a sense of justice.
- Whenever an Inquiry Officer requires to consult an expert to understand technical /complex issues, he can do so, but the essential requirement of proper application of mind has to take place at every stage to ensure that no injustice is caused to the honest and the innocent.
- Capacity building in the anti-corruption agencies should be assured through training and by associating the required experts during enquiries/ investigations. Capacity building among public servants who are expected to take commercial / financial decisions should be built through suitable training programmes.
- The supervisory officers in the investigating agencies should ensure that only those public servants are prosecuted against whom the evidence is strong.
- There should be profiling of officers. The capabilities, professional competence, integrity and reputation of every government servant must be charted out and brought on record. Before proceeding against any government servant, reference should be made to the profile of the government servant concerned.
- A special investigation unit should be attached to the proposed Lokpal (Rashtriya Lokayukta)/ State Lokayuktas/Vigilance Commission, to investigate allegations of corruption against investigative agencies. This unit should be multi-disciplinary and should also investigate cases of allegations of harassment against the investigating agency. Similar units should also be set up in states.

**9. An apparel manufacturing company having a large number of women employees was losing sales due to various factors. The company hired a reputed marketing executive, who increased the volume of sales within a short span of time. However, some unconfirmed reports came up regarding his indulgence in sexual harassment at the workplace.**

***After sometime a women employee launched a formal complaint to the management against the marketing executive about sexually harassing her. Faced with the companies' indifference, in not taking cognizance of her grievances, she lodged an FIR with the police.***

***Realizing the sensitivity and gravity of the situation, the company called the women employee to negotiate. In that she was offered a hefty sum of money to withdraw the complaint and the FIR and also give in writing that the marketing executive is not involved in the case.***

**Identify the ethical issues involved in this case. What options are available to the women employee?**

**Hints:**

**Ethical issues involved:**

- Sexual harassment of women at workplace
- Abuse of power by marketing executive
- Lack of proactivity on the part of management to take suo motu cognizance of sexual misconduct
- Non-responsiveness of internal complaints system
- Attempt to offer monetary allurements in return of modesty and dignity of woman
- Loss of integrity of the management

**Possible options available to woman:**

- Rejecting the offer of the management and continue with filing of the FIR
- Accepting the offer and withdrawing the complaint but not giving in writing that executive was not guilty
- Accepting the offer and freeing the executive from all allegations in writing
- Continue with legal proceedings and resign from the job and start looking for alternates
- Raise a #MeToo movement inside the firm to get the management in action
- Refuse the offer of money but take back the complaint and work silently to raise a #MeToo movement within

**Analysis of contending pulls in above options:**

The woman needs to keep in mind that such actions at workplace don't affect the individual victim only. Her actions will set a precedent also for future such cases. If she gets allured by the monetary offer and takes back her complaint, all such allegations, even if genuine, will be seen with suspicion. It will also discourage victims from opening up. So, her individual action will have a social component to it. She should understand it and act accordingly. Moreover, her own character will be judged in wrong ways if she withdraws the complaint. She will lose credibility for all times to come.

But on the other hand, there is an imminent threat that if she doesn't cooperate with the management, she may lose her job. This will bring her material hardship. In our society, even if law is on the side of the victim, societal sanctions are invariably on the women in such cases. It will be difficult for her to find the next job with this record. If she is dealt with a strong hand and fired, it will silence other women due to fear of losing job.

So, she has to strike a delicate balance between her social responsibility, her own dignity and her harsh material necessities. Bravado should not be her motivation but a cool-headed approach that attempts to eradicate this evil in society possibly with maintaining her material self-sufficiency.

**10. In a modern democratic polity, there is a concept of the political executive and permanent executive elected people's representatives form the political executive and bureaucracy form the permanent executive. Ministers frame policy decisions and bureaucrats execute these. In the initial decades after independence, the relationship between the permanent executives and the political executives were characterized by mutual understanding, respect, and cooperation, without encroaching upon each other's domain.**

***However, in subsequent decades, the situation has changed. There are instances of the political executive insisting upon the permanent executives to follow its agenda. Respect for an appreciation of upright bureaucrats has declined. There is an increasing tendency among the political executive to get involved in routine administrative matters such as transfers, posting etc. Under this scenario, there is a definitive trend towards 'politicization of bureaucracy'. The rising materialism and acquisitiveness in social life has also adversely impacted upon the ethical values of both the permanent executive and the political executive.***

***What are the consequences of this 'politicization of bureaucracy'? Discuss.***

### **Hints:**

In a democracy, power vests with the people. This power is exercised through its elected representatives who have the mandate to govern them for a specific period. The civil services by virtue of its knowledge, experience and understanding of public affairs assist the elected representatives in formulating policy and are responsible for implementing these policies. Parliamentary democracies are usually characterized by a permanent civil service which assists the political executive.

**Some advantages of having an independent, permanent and impartial civil service are as follows:**

- The spoils system has the propensity to degenerate into a system of patronage, nepotism and corruption. Having a credible recruitment process through an impartial agency provides a defence against such abuse.
- Public policy today has become a complex exercise requiring in-depth knowledge and expertise in public affairs. A permanent civil service provides continuity and develops expertise as well as institutional memory for effective policy making.
- A permanent and impartial civil service is more likely to assess the long-term social payoffs of any policy whereas the political executive may have a tendency to look for short term political gain.
- A permanent civil service helps to ensure uniformity in public administration and also acts as a unifying force particularly in vast and culturally diverse nations.
- A permanent civil service like any other reputable profession is likely to evolve over time an ethical basis for its functioning.

### **Areas of Friction:**

The key areas of potential conflict in the relationship between the political executive and the permanent civil service can be identified as follows:

- The concept of neutrality
- Appointments/Recruitment to the civil services
- Transfers and postings of civil servants

### **Consequences of politicization of bureaucracy:**

Unfortunately, this vision of civil service neutrality no longer holds good. Changes in governments particularly at the state level often lead to wholesale transfer of civil servants. Political neutrality is no longer the accepted norm with many civil servants getting identified, rightly or wrongly, with a particular political dispensation. There is a perception that officers have to cultivate and seek patronage from politicians for obtaining suitable positions even in the Union Government. As a result, the civil services in public perception are often seen as increasingly politicized.

When we say that bureaucracy has been politicized, we mean that its decisions are not guided only by values of civil services like impartiality, objectivity, anonymity etc. but it also factors in its own political biases. It allows itself to be swayed by political values of the government in passing its judgments over

programs of the government. It attempts to justify or reject the programs of government not only on its merits or demerits but also on political motivations. Rather than being driven by free and fair objective assessment of government programs, it attempts to prepare conducive reports that morph facts. This is against the value of honesty. Its work doesn't remain dispassionate anymore.

In its interaction with people also, a politicized bureaucracy will be discriminatory. It will prefer a certain section of society or some particular individuals based on instructions of the government in distribution of public goods and services. It won't be able to uphold equality before law not will it be able to do justice. For instance, there have been accusations of police being playing at the hands of political class during riots and allowing certain section of society to be victimized. Allocation of water and electricity is normally decided based on electoral considerations of the political elite.

In return, bureaucrats often get favorable transfers and lucrative postings that is in hands of political class. This arbitrary and non-merit based decision demotivates honest civil servants who want to work in line with constitutional ideals and uphold values of civil services. This may also create crisis of conscience in some upright bureaucrats. Those not complying with the political instructions may be brought to book and disciplined subsequently. They may face harassment in forms of frequent transfers and postings.

From the perspective of people, a politicized bureaucracy won't be able to enjoy respect and trust. Its decisions will be seen as biased. Hence, compliance will not be high. This may become a loop in which legitimacy of state will decline with time.

#### **Conclusion:**

In this process, what may possibly guard the civil servant, and through him the public interest, is the ethical competence of the bureaucrat. If a civil servants imbibes in spirit the values of public life like honesty, integrity, transparency, selflessness etc., one can better resist the temptations of material and non-material allurements. One has to be of high character to uphold one's value system and work towards spirit of constitution amidst politicization of bureaucracy. As discussed above, there should be adequate mechanisms in place to protect an honest civil servants also to avoid arm-twisting by political executive.

Other than ethical reforms, there may also be some institutional reforms that may shield bureaucrats from political interference.

There is a need to safeguard the political neutrality and impartiality of the civil services. The onus for this lies equally on the political executive and the civil services. This aspect should be included in the Code of Ethics for Ministers as well as the Code of Conduct for Public Servants.

It is essential to lay down certain norms for recruitment in government to avoid complaints of favouritism, nepotism, corruption and abuse of power. These norms are:

- Well-defined procedure for recruitment to all government jobs.
- Wide publicity and open competition for recruitment to all posts.
- Minimization, if not elimination, of discretion in the recruitment process.
- Selection primarily on the basis of written examination or on the basis of performance in existing public/board/university examination with minimum weight to interview.

The National Commission to Review the Working of the Constitution made the following observations regarding transfers and postings of civil servants that arbitrary and questionable methods of appointments, promotions and transfers of officers by political superiors also led to corrosion of the moral basis of its independence.

***11. In one of the districts of a frontier state, narcotics menace has been rampant. This has resulted in money laundering, mushrooming of poppy farming, arms smuggling and near stalling of education. The system is on the verge of collapse. The situation has been further worsened by unconfirmed reports that local politicians, as well as some senior police officers, are providing surreptitious patronage to the drug mafia.***

***At that point of time a woman police officer, known for her skills in handling such situations is appointed as superintendent of police to bring the situation to normalcy.***

***If you are the same police officer, identify the various dimensions of the crisis. Based on your understanding, suggest measures to deal with the crisis.***

**Hints:**

**Dimensions of the crisis:**

- One needs to identify different stakeholders and vested interest in this case. They are drug mafia, arms dealer, money launderers, politicians and police officers. Each one has some vested interest to protect that helps this system sustain and the victims are the youth of this area who are deprived of education and are engaged in self-destructive practices like drugs and crime.
- There is a loop in which system has been caught. It has been self-sustaining mechanism since products of a failed education system supply manpower to run this ecosystem of crime.
- Those who are responsible to deal with such crises are themselves involved. Possibly, this money from drug menace is being ploughed back into elections that sustains political career of many people and in return drug mafia and arms dealers and smugglers are protected from law.
- There can also be a crisis of institutions like family that propels youth towards consumption of drugs and give up education and some constructive work.

**Measures to deal with the crisis:**

- First of all, there should be stock taking of the situation in detail to get a grassroots understanding of the problem. Any knee jerk response or crackdown by the administration may backfire at both personal and professional level without solving the issue. I must realize that the problem is deeply entrenched and has multiple strong stakeholders. Any adventurism or bravado is bound to create more pain than pleasure.
- Coercive and constructive steps needs to be initiated in parallel because one cannot wait for all things to be normal before some positive direction is given to youth. It is when positivity comes that negativity goes away.
- I will rope in authorities responsible for border security to ensure that supply chain of drugs and arms and counterfeit currency is disrupted. This will at least put a brake on the momentum of the situation which is worsening.
- There will be total ban on poppy farming within the territory and area under jurisdiction.
- There will be raids on infamous locations in police records to seize illegal arms and currency. Habitual offenders will be taken into judicial custody and interrogated to get inputs about people involved.
- Side by side, an internal department enquiry will be initiated to nab culprit police officers and strict actions will be taken on them.
- Side by side, a massive campaign against drugs will be started. Large signboards will be placed in public spaces to educate people about fallout of these practices. There will be door to door campaign to raise awareness and get a sense of how many people are affected.
- Rehabilitation centers will be opened to help those who have been made aware and want to de-engage with drugs.
- Schools will be opened and door to door campaigning will be done to bring back people to school and divert their energies through active participation in constructive work.

### **Challenges and administrative limitations:**

- All powerful stakeholders can join hands against me and oust me through political weight. I may face physical threats. I may be transferred. I may be given punishment posting. I should be prepared for all this. What should drive me in my quest is public service.
- There may also be lack of institutional support from border security agencies, political class, my colleagues in police department etc.
- Raising awareness itself is a long term task which may be frustrating in wake of lack of public enthusiasm.

**12. In recent times, there has been an increasing concern in India to develop effective civil service ethics, code of conduct, transparency measures, ethics and integrity systems and anti-corruption agencies. In view of this, there is a need being felt to focus on three specific areas, which are directly relevant to the problems of internalizing integrity and ethics in the civil services. These are as follows:**

- 1. Anticipating specific threats to ethical standards and integrity in the civil services,**
- 2. Strengthening the ethical competence of civil servant and**
- 3. Developing administrative processes and practices which promote ethical values and integrity in civil services.**

**Suggest institutional measures to address the above three issues.**

### **Hints:**

In most countries today there are increasing expectations from ordinary citizens, business leaders and Civil Society that Governments will establish and deliver higher standards of ethicality and integrity in the Civil Service, agencies of government (Ministries and parastatals), and Government itself.

There is now a need to concentrate on three areas of concern in particular, which are directly relevant to the problems of internalising integrity and Ethics in democratic governments and the Civil Service.

- Anticipating specific threats to ethics standards and integrity in the public sector
- Strengthening the ethical competence of civil servants, and strengthening mechanisms to support “professional ethics”
- Developing administrative practices and processes which promote ethical values and integrity

Attention needs to be paid to systemic threats that could weaken adherence to core public sector ethics values, and commitment to good governance, and to preparing the necessary political and management responses.

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.

New and proposed pro-ethics laws require effective implementation through, for example, effective performance management techniques which support the entrenchment of the ethical values set out in Civil Service (and parastatals) Codes of Ethics.

**Institutional measures to deal with above three issues are as follows:**

- Effective laws which require civil servants to give reasons for their official decisions, (for example: a Freedom of Information law).
- Management approaches which encourage all public officials and civil servants to deal positively with corruption and unethical practice when they encounter it.

- 'Whistleblower' 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 (for example financial management, tendering, recruitment and promotion, dismissal and discipline).
- 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, antidiscrimination 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.
- It is now generally recognised that meaningful and enforceable Ethics codes, linked to systemic practices and procedures, based on legislation, and backed by management leadership and high-level political commitment, and ongoing 'professional ethics' training, are essential.
- Official decisions affected by 'Maladministration' may be reviewed independently, (for example by an Ombudsman, Administrative Appeals Tribunal or Court), and corrected. Officials responsible for maladministration may also be disciplined by their employer.
- Failure to report known or reasonably suspected cases may be used as the grounds for disciplinary measures to be taken against civil servants.
- The provision of FoI rights to citizens is now considered essential to ensuring accountability by public officials and Governments.
- In some countries, citizens have an unqualified right, under law, to be advised of the reasons for any official decision of which they are directly the subject. This includes the right to be advised, at the time of the decision and in writing, of the evidence and other information taken into account by the decision maker, and of the procedure, if any, for having the decision reviewed.
- All significant official decisions can be made subject to independent review, and effective administrative procedures (in particular the keeping of proper records), can be required to be maintained, so as to assist effective independent review.
- In the interests of improving accountability and fostering the fight against corruption, some countries have passed laws to establish a right whereby a person may make a protected 'public interest disclosure' of any suspected or actual corruption, misconduct, or Maladministration by a civil servant or public official.

