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Distance Learning Programme

UPPCS Mains

Ethics-II





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ETHICS-II


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PROBITY IN GOVERNANCE

Concept of Public Services

What Constitutes Public Service

The concept of 'public service' differs across time and space and also among different groups in society. It is a dynamic concept. A range of factors, including social norms, the nature of the market and the role of the state which decide what constitutes a public service. The resources available to the governments in developing and developed countries are different which in turn also decides the extent to which these services are deployed to the people. According to M. Shamsul Haque of the University of Singapore, the five 'specific criteria or measures of publicness' are:

- The extent of its distinction from the private sector
- The scope and composition of service recipients
- The magnitude and intensity of its socioeconomic role
- The degree of its public accountability
- The level of public trust

Public Services and Sustainable Development

A society's strength depends on the quality of public services provided by the government, which should be accessible to all who need them and regardless of the ability of the citizens to pay for them. Public Services are fundamental to the concept of sustainable development of a society as they represent the social, cultural and economic ethos of any society. They are very essential in achieving various SDGs (Sustainable Development Goals). With neoliberal policies, the notion of sustainable development is being threatened by the emerging trend of privatization of various public services. Various private business houses are now increasingly contracted by government for the delivery of public services. People fear that these developments would ultimately damage the value and morality attached to the public service

Present scenario

In the present scenario, the bureaucratization of the public services has immensely changed the values and the organizational structure. Some other factors which have changed the delivery mechanism and scope and meaning of public services in the present context are globalization, cultural convergences and the professionalization of the services.

The role of the government officials is to engage citizens to find creative solutions to societal problems. They should partner with the citizens in formulating the policies regarding public services and the focus should be on negotiating and solving complex problems. In order to provide services that are consistent with the public interest, the

governments need to be accessible, accountable as well as responsive to the citizens' interests. To enhance and revive the public services, various administrative and citizen ethics need to be in place and their proper integration is needed so as to avoid any conflicting values.

Governance and Probity

Introduction

“The philosophers have only interpreted the world in various ways: the point is to change it.”
 –Karl Marx

The fundamental task of philosophy is to ask existential questions to arrive at answers that can influence people's choices and actions for actualization of their wellbeing. Governance is the essential building foundation for development and every nation is guided by values such as justice, egalitarianism, fairness, mutuality and tolerance, which are shared by the people and the government, and national commitment to such values greatly influence the content and the quality of governance.

According to World Bank, governance refers to a whole range of institutional reforms that its various departments' support. UNDP talks of governance in reference to political, administrative and economic reforms. The best practices include multi-party politics, competitive market economies, public service decentralization, and ideas that are mainstream in Western countries and dispensed with through various institutional mechanisms in the international community.

The use of governance is open-ended in its scope of coverage, yet normatively confined in orientation. It makes no real distinction between governance and other concepts such as policy making or policy implementation. Governance is used for getting the political machinery to work better. The Worldwide Governance Indicators (WGI) research project lists some indicators which measure six dimensions of governance such as voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control on corruption.

Probity and its Importance

According to Oxford Dictionary, probity means quality of, honesty and moral excellence, rectitude, uprightness and integrity. It means “good process” when used in a contractual context. Probity requires different stages of a task/responsibility to be conducted and valued honestly, ethically, impartially and remains fair to all participants.

For government employees and agencies, maintaining probity means more than simply avoiding corrupt or dishonest conduct. It involves application of values in an impartial, accountable and transparent manner.

The public sector is accountable to the public and also subject to audit and political scrutiny, which is unlikely in the private sector. Therefore, standards of acceptable conduct cannot be compromised. Hence, public sector projects need to demonstrate probity in all their stages.

Probity is the evidence of ethical behaviour in a particular process. Probity should result in avoidance of corrupt practices, improvements in public sector integrity through attitudinal and organizational change, reassurance to the community that the process

and outcome can be trusted on the fairness of the process, avoidance of conflicts of interest and minimized potential for litigation.

Governance

Governance is the formation and stewardship of the rules that regulate the public realm and the space where state as well as economic and societal actors interact to make decisions.

The six broad principles of governance can be said to be:

- Participation, the degree of ownership and involvement that stakeholders have in the system.
- Fairness, the degree to which rules are perceived as applying equally to everyone in society regardless of background.
- Decency, the degree to which rules are formed and handled without humiliating or harming particular groups of people.
- Accountability, the extent to which political and public actors are seen as acting responsibly and responsively in relation to their constituents.
- Transparency, the extent to which decisions are perceived as being made in a clear and open manner.
- Efficiency, the extent to which limited human and financial resources are seen as being used prudently.

The first three points to the way they interact with citizens and the last three of these principles refer specifically to how officials behave in public office.

Governance is about the rules of collective decision-making in settings where there is a plurality of actors or organizations and where no formal control system can dictate the terms of the relationship between these actors and organizations. Governance is a world where 'no one is in charge'. Earlier only government was providing public services to people but now, multiple actors like civil society, markets, and local bodies collectively govern. The earlier governments relied heavily on authority and coercion, but now negotiation and communication have become the order of the day. Thus Governance is all about collective decision-making.

Governance should focus on how various public arrangements are chosen, maintained and channelized. Governance is definitely not a science with clear pathways; also it cannot be adequately captured by laws or statutes. Governance is a practice. It is about coordination and decision-making. Conflict and dissent provide essential ingredients for a governance process.

Governance has evolved from the need to organize society towards the achievement of a common goal. It means the use of traditions and institutions by which authorities control the society for the common good. It includes the process by which those in authority are selected, monitored and replaced, the capacity of the government to effectively manage its resources and implement sound policies and the respect of citizens' fundamental rights.

Governance is a process whereby societies or organizations make their important decisions, determine whom they involve in the process and how they render account. The participatory form of governance focuses on deepening democratic engagement through the participation of citizens in the processes of organizing the affairs of the state. Governance is the primary means of maintaining oversight and accountability in a loosely coupled organizational structure. A proper governance strategy puts in place systems to monitor

and record what is going on, takes steps to ensure compliance with agreed policies, and provides for corrective action in cases where the rules have been ignored or misconstrued.

Governance in Public Administration

Public administration is moving towards theories of cooperation, networking, governance, institution building and maintenance. According to Rhodes, 'governance refers to self-organizing, inter-organizational networks'.

The first step to achieve the principles of governance in public administration should be to recognise that public administration's brief stretches, extend beyond multiple government institutions to those drawn from the community, voluntary and private sectors. The role of these non-governmental agencies in delivering public services and programmes is an important part of the focus provided by the governance perspective. The second step is the focus on how responsibilities that might in the past have been defined as exclusively the domain of government are now shared between government and a range of non-governmental actors. A third step should be in putting up a greater emphasis on the fragmented nature and condition of the state.

The traditional public administration focuses itself on the challenges of managing the political/administrative dichotomy in individual organisations and the making of policy, budget and practice within those organisations while the governance perspective argues that it is the complex set of relationships between the organisations and actors that also needs to be area focus. The governance perspective emphasizes the idea that the organizations can no longer be linked together through a simple hierarchical chain. It offers a contrasting organizing framework built around a wider, looser set of organizations joined through a complex mix of interdependencies.

What is Good Governance?

In the UN's paradigm, governance is defined as "the exercise of political, economic and administrative authority to manage a country's affairs at all levels. It is the complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences". In this framework, the State is only one of the institutions through which authority is exercised. The private sector and civil society organizations play important roles in helping citizens articulate their interests and exercise their rights. The government's role is not only to exercise political governance, but to interact effectively with the private sector and civil society organizations in achieving public goals and objectives. Underlying the United Nations' conception, good governance is the need for governments to reinvent themselves in order to conform to the basic characteristics of good governance and to enhance their capacity to work effectively with other governance institutions in the private sector and civil society organizations.

UNDP Characteristics of Good Governance:

- **Participation:** All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.
- **Rule of law:** Legal frameworks should be fair and enforced impartially, particularly the laws on human rights.

- **Transparency:** Transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.
- **Responsiveness:** Institutions and processes try to serve all stakeholders.
- **Consensus orientation:** Good governance mediates differing interests to reach a broad consensus on what is in the best interests of the group and, where possible, on policies and procedures.
- **Equity:** All Genders have opportunities to improve or maintain their well-being.
- **Effectiveness and efficiency:** Processes and institutions produce results that meet needs while making the best use of resources.
- **Accountability:** Decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organization and whether the decision is internal or external to an organization.
- **Strategic vision:** Leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.

Good governance creates an environment which leads to sustained economic growth. Good governance must be demanded by citizens and nourished by the nation state. Therefore, it is essential that the citizens participate fully, freely and openly in the political process. The citizens must have the right to form a political party and enjoy basic fundamental rights. Good governance is associated with accountable political leadership, judicious policymaking and a dedicated civil service. A strong civil society which includes a free press and an independent judiciary are essential for good governance.

Improving Government Service to Citizens through Innovations

Governments must reinvent themselves in order to satisfy the citizens' demands and meet the challenges of globalization through innovation. Innovations are fundamental changes in the course of action of governments or other institutions in society that alter the status quo in more than an incremental way. Innovations introduce new ideas or ways of doing things that strongly depart from convention or that require new or unfamiliar forms of behaviour and interaction. Few innovations in government are pure invention, they are more often discoveries combining ideas that have been tried elsewhere and recast to meet new circumstances. Changes bringing about higher quality services or improvements in government agency performance are one form of innovation.

Strengthening Public Institutions for Economic Development

Perhaps the single most important challenge facing governments in the 21st century is to how to strengthen the institutional capacity of public, private and civic sectors to meet both the needs of citizens and the requirements of an international economy. Institutional capacity-building is the process through which individuals and organizations in any country strengthen their abilities to mobilize the resources needed to overcome economic and social problems and to achieve a better standard of living as generally defined in that society. Institutions include both sustainable organizations and widely accepted rules of behaviour in both the public and private sectors.

Code of Ethics

Code of ethics is a set of rules and procedures issued by any government or organization to its workforces and management to help the workforce conduct actions in accordance to its values and ethical standards. A code of ethics covers broad guiding principles of good behaviour and governance. It covers almost all aspects of a man's life. It covers personal, social, economical, political, and religious dimensions. The codes apply to society as a whole. The Code of Ethics should majorly reflect upon these four broad principles: Respect, Responsibility, Fairness, and Honesty.

Code of Ethics should provide guidance on how the ministers have to uphold the standards of ethical and constitutional conduct in the performance of their duties. The Code should comply with the law and uphold the administration of justice to protect the integrity of public life. It lays down the principles of minister-civil servant relationship.

The United Kingdom in 1994 introduced a broad code of behaviour for those in public life. Although developed under the stewardship of **Lord Nolan** in the context of the United Kingdom, the Seven Principles of Public Life can be applied universally, regardless of differences in politics, history or culture. These Principles are:

- **Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on the merits.
- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example.

The Committee on Prevention of Corruption (Santhanam Committee, 1964) had remarked: "For a country like India, the development of her material resources and raising the standards of life of all classes are, indeed imperative. At the same time, the deterioration in the standards of public life has to be arrested. Ways and means have to be found to ensure that idealism and patriotism have the proper place in the ambition of our youth. The lack of moral earnestness, which has been a conspicuous feature of recent years, is perhaps the greatest single factor which hampers the growth of the strong traditions of integrity and efficiency."

The purpose of a code of ethics should be to guide all managerial decisions and create a common framework for all collective decisions. It reflects the organization's integrity and ethical behaviour at work and also helps in decision making during tough times.

Codes of Ethics for Civil Servants

Code of Ethics, 1997

The first initiative to introduce a code of ethics was done in 1997 by the formulation of Code of Ethics for civil servants in India. The salient features of this code include:

According to this code, a public servant:

- Should have respect for human rights and also uphold the rule of law
- Should maintain transparency and objectivity in public conduct
- Should be impartial in respect of service matters
- Should be accessible to people and be held accountable for the quality of service
- Should efficiently use public funds
- Should not exploit their position for personal gains.

This code was unfortunately never issued for public servants.

Draft Public Service Bill, 2007

Again in 2007 Department of Personnel and training drafted Public Service Bill. It applies to the whole of India. It envisages a moral behaviour from the Civil Servants & enumerates certain values which should guide the Public Servants in the discharge of their functions which are as follows:

- Allegiance to the Constitution and the law, democracy, nationalism, sovereignty & integrity of India and the security of the nation.
- Function in apolitical manner, act objectively, impartially, honestly, equitably, and in a fair and just manner.
- Act with integrity and in a courteous and just manner
- Establish high standards, and ensure quality service, effective working and prompt decision making.
- Be accountable for the decisions.
- Establish merit as the fundamental principle in employment, promotion and placements.
- Discharge functions with due regard to diversity of the nation/community and religion, but without discrimination of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections
- Provide honest, impartial and frank advice to political executive
- Ensure that public money is used with the utmost economy and care
- The public servant function with the objective that Public Services and Public Servants are to serve as instruments of good governance and to provide services for the betterment of the public at large; foster socio-economic development, with due regard to the diversity of the nation.
- Without prejudice to the provisions of this Act, the Central Government may, on the recommendations of or in consultation with the Central Authority, notify from time to time other values in this Section.
- The Central Authority may from time to time review the adoption, adherence to and implementation of the Public Service Values in the departments or organizations under the Central Government and send reports to the Central Government.

This bill is still under consideration. It tries to fulfil many objectives like norms for appointments in public services apart from providing the guidelines for code of ethics. Therefore, it is difficult to gain consensus to pass this bill.

Code of Conduct

The principles of ethical public life are of general applicability in every democracy. Out of such ethical principles, arises the need for a set of guidelines of public behaviour in the nature of a code of conduct for public functionaries. A person who has been given the privilege to guide the fate of the people should not only be ethical in the discharge of his duty but should also practice these ethical values.

Code of conduct is a reference for decision-making by widely spread operational units. A code of conduct is a part of a comprehensive compliance and ethics program that is a part of a values-based organization and culture. Code of conduct is the part of building a value-driven organization, and deals with organization's underlying values, standards for doing business, commitment to employees, and its relationship with wider society.

The 2nd Administrative Reforms Commission (ARC) says that it is at the interface of public action and private interest that the need arises for establishing not just a code of ethics but a code of conduct also. According to 2nd ARC the major distinction between a code of ethics and code of conduct is that a code of ethics would cover broad guiding principles of good behaviour and governance while a more specific code of conduct should, in a precise and unambiguous manner, stipulate a list of acceptable and unacceptable behaviour and action.

Code of Conduct for Civil Servants

Code of Conduct constitutes principles, values, standards, or rules of behaviour that guide the decisions, systems and procedures of an organization in a way that contributes to the welfare of its key stakeholders. It also respects the rights of all constituents affected by its operations. In India, the current sets of ethical norms are the Conduct Rules, contained in the Central Services (Conduct) Rules, 1964.

Recommendations of Various Committees

Various committees have been formed from time to time which have provided the guidelines for code of conduct and code of ethics for civil servants.

Committee on Prevention of Corruption (Santhanam Committee), 1964

- According to it, family and school should instill the values like altruism and empathy as these qualities are hard to develop once an officer gets into the services.
- It called for framing of rules for governing the conduct of bureaucrats.
- It called for a need of code of ethics in our country on similar lines as prevalent in other countries.

Hota Committee Report, 2004

- It suggested for the introduction of leadership and aptitude tests for the selection purpose and also domain assignments for acquisition of the required skills.