

Ethics and Morality in Governance : Indian Perspective

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ABSTRACT

Ethics is an integral element of good governance. Decline in ethical and moral values in governance results in corruption. Maladministration breeds corruption. Corruption is a universal problem and a complex phenomenon. All countries rich, poor, developed or developing experience it in varying degree. Corruption has been commonly recognized as a 'social disease' as it destroys the moral fabric of the society and erodes the faith of the common man in the legitimacy of the politico-administrative setup. Our ethics system must not only establish minimal standards of conduct but they must also set forth high aspiration goals for public employees. We must be ever vigilant against the threat of corruption. There will never be a day when all temptations will be removed. Nor will there ever come a time when there will be no corrupt acts by the public officials. This is the right time when strengthening ethical and moral values in governance must occupy the centre stage in our quest for reforms in our public administration to make it just and fair to the common man.

Keywords : Governance, Democracy, Accountability, Ethics, Corruption, Civil society.

Introduction:

Ethics and morality are gaining importance in the discourse about governance today. There is a general perception amongst the people that standards in public life are declining. Questions are being raised regarding misconduct and mismanagement on the part of those who have been entrusted with guarding public interest and resources. Citizens are losing their confidence in governments. They feel that politicians and public officials often abuse their powers in self-interest. There prevails widespread resentment over political scandals and crises, the incompetence of bureaucrats and politicians, rule regulations, etc¹. The pertinent question arises here as to how to build up public trust in government? Public trust is not something which can be built in isolation. It is only by addressing issues like legality, integrity, efficiency,

effectiveness, involvement, dependability, transparency and fairness, public trust can be built up. In other words, by ensuring good governance public trust can be restored. Good governance implies service to the people. Government's task is to govern in a way that optimizes the security and welfare of citizens. The measure of good governance is how far the government is able to improve the quality of life of people tangibly and intangibly. Even if there is good democracy and good Constitution but people are hungry, good democracy and good Constitution would mean little.

Decline of Ethical and Moral Values in Governance in India

Ethics is an integral element of good governance. Decline in ethical and moral values in governance results in corruption.

Maladministration breeds corruption. The instruments of the State are used for promoting self-interest and not for public good. All countries rich, poor, developed or developing experience it in varying degree. Corruption can be classified as grand, petty and political, depending on the amount of money lost and the sector where it occurs. Grand corruption consists of acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good. Petty corruption refers to everyday abuse of entrusted power by low and mid-level public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies. Political corruption is a manipulation of policies, institutions and rules of procedures in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth.²

Corruption has been commonly recognized as a 'social disease' as it destroys the moral fabric of society and erodes the faith of the common man in the legitimacy of the politico-administrative setup. Many factors have been attributed to corruption in India. For example, regulations and authorizations, providing public services and public goods below market prices, low public sector wages, unstable political institutions, unchecked election costs, lack of government accountability, leadership deficits, lack of political will for reforms, etc.³

Indian Initiatives to Strengthen Ethical and Moral Values in Governance Code of Conduct / Ethics for Civil Servants

The All-India Service Act, 1951 empowers the Government of India to formulate rules for laying down the conditions of services for the persons appointed to the civil services after

consultation with State governments. The All-India Service Conduct Rules, 1968 and the Central Services (Conduct) Rules, 1964, which emphasize focusing of 'service content' as their core functional domain, laid down the rules of civil services. A clear mention has been made about using authority not other than for public welfare.⁴

Central Bureau of Investigation

The Central Bureau of Investigation (CBI) functioning under Department of Personnel and Training of Government of India is the premier investigating police agency in India. It is an elite force playing a major role in preservation of values in public life and in ensuring the health of national economy. It is also the nodal police agency in India which coordinates investigation on behalf of Interpol Member countries. The services of its investigating officers are sought for all major investigations in the country. The CBI has to investigate major crimes in the country having inter-state and international ramifications.⁵

Central Vigilance Commission

Central Vigilance Commission (CVC) is the apex vigilance institution in India. It was set up by the Government of India in 1964 on the recommendations of Santhanam Committee to advise and guide Central Government agencies in the field of vigilance. The CVC Act passed by Parliament in 2003 accords statutory status to CVC. It is free from any executive authority and monitors all vigilance activity under the Central Government. The Commission has been empowered through the Lokpal and okayuktas Act, 2013 to conduct preliminary inquiry into complaints referred by the Lokpal to it. The Act also has a provision for a Directorate of Inquiry to be set up in Commission.⁶

Citizen's Charter

Citizen's charter improves access to public

services and promotes quality. It does this by helping people understand what an organization does and how to contact it, what to expect by way of service and how to seek a remedy if something goes wrong. The charter should clearly set out the standards of service that users can expect to receive. Above all, the standards set out should be relevant, meaningful, challenging, simple, measureable, monitored, published and reviewed. A number of Central Government departments and undertakings have framed citizen's charter. Some of the State Governments have also taken initiative in this regard but the results are not very encouraging. Perhaps the current prevailing work culture/environment does not translate these initiatives into action.⁷

Right to Information Act, 2005

Openness and full access to information are two pillars of any democratic State. Access to information not only promotes transparency and accountability in administration but also facilitates active participation of people in the democratic governance system. It mandates timely response to the requests made by citizens for government information. Thus the emphasis has now shifted from secrecy or darkness to openness in government work. It is really tantamount scrapping of the old Official Secret Act 1923, and turning government to be a government of the people in real sense.⁸

Right to Public Service Delivery Legislations

One of the basic requirements of accountability and transparency is efficient and effective service delivery. Every citizen is entitled to hassle-free public services and redressal of his grievances. Standard and quality services should be available to the citizens within stipulated time frame and in case of failure there should be a grievance redressal mechanism in place. The service seekers should be able to avail the services of the government departments with

minimum inconvenience and maximum speed. A number of States have enacted Public Services Guarantee Act or Right to Service Act. The common framework of these legislations includes granting of "right to public services", which are to be provided to the public by the designated official within the stipulated time frame. In case of failure there is provision for appeal and imposition of penalty on the erring official. The applicant may be compensated out of the penalty imposed on the officer. Thus, these legislations are aimed to reduce corruption among the government officials and to increase transparency and public accountability.⁹

Whistleblowers Protection Act, 2011

Whistle blowing has been recognized as one of the important means of reducing corruption by improving the disclosure of information about illegal, dangerous or unethical activities by government or private organizations. As "part of society's alarm and self-repair system", whistleblowers are valuable for organizations and society because they call attention to problems before they become more damaging. They are "lone voices of reason, morality, and truth who speak out to protect the public from harm"¹⁰

The enactment of RTI Act saw the rise in the number of whistle blowers. But many were also attacked and murdered. A sincere whistleblower in the National Highway Authority of India (NHAI), Satyendra Dubey paid a heavy price in term of his life for drawing attention of the Prime Minister's Office (PMO) to corruption in Golden Quadrilateral Project. Manjunath Shanmugan, a young manager with Indian Oil Corporation was shot dead for drawing attention to irregularities in the quality of fuel being marketed in some petrol pumps. Similarly, Prof. Rajiv Kumar of IIT Kharagpur has been suspended for exposing irregularities in the IIT-JEE Entrance Test for admissions. Many such

whistleblowers and RTI activists have been facing problems and there have been situations where it became difficult for them even to get police protection. Therefore, there was a dire need for some kind of legal protection.¹¹

The whistleblowers' Protection Bill, 2011 passed by the Parliament, received Presidential assent in May, 2014 and has been enacted as Whistleblowers' Protection Act, 2011. The Act aims to encourage whistleblowing by providing mechanisms to protect whistleblowers and safeguard them from victimization. Under the law, if a whistleblower is victimized, he can file a complaint to the competent authority who has powers to take necessary action to prevent victimization and issue binding orders. Similarly, the law could have provided protection to those rendering assistance in the investigation when they faced threats and attacks.¹² The Act, thus, provides for a system to encourage people to disclose information about corruption or the willful misuse of power by public servants, including ministers. The Act lays down punishment of up to two years in prison and a fine up to Rs. 30,000 for false or frivolous complaints.¹³

Lokpal and Lokayuktas

Another important milestone in strengthening governance is the enactment of Lokpal and Lokayukta Act, 2014 which was passed by Parliament in December, 2013 and got Presidential assent on January 1, 2014. The Act was a product of people's movement against corruption led by Anna Hazare. It aims to prevent and control corruption through the setting up of an independent and empowered body at the Central level called the Lokpal. It would receive complaints relating to corruption against most categories of public servant and ensure that these are properly investigated and where warranted effectively executed. The Act also makes it incumbent for each state to pass within to the

States to work out the details. The Lokpal Would receive complaints of corruption against the Prune M.N.Ster, Ministers, Members of Parliament, officers of the Central Government and against functionaries of any entity that is wholly or partly financed by the government with an annual income above a specified limit, and also, all entities receiving donations from foreign sources in excess of Rs. 10 lakh per year.

The Way Forward : Issues and Suggestions

The legal framework to address ethical problems in the public service is already comprehensive but its actual implementation is insignificant. The Supreme Court and the High Courts have also emphasized the importance of ethics and moral values in governance. Therefore, it is necessary to define a methodology to make governance accountable and transparent. Anti-corruption movements in the country have focused attention on the decline of ethical and moral values in public services. Therefore, we need to look for alternatives to promote good governance. A few suggestions can be extended here.

Political Commitment to Ethical and Moral Values

The last few years have exposed the level of corruption that exists at the highest level. The standards of propriety of political leaders in the country has degenerated to such an extent that every politician is a suspect. Across political parties a large number of Members of Parliament and State legislators have serious criminal cases against them. Political leaders are responsible for maintaining high standards of propriety in discharge of their official duties. The culture and values of the public services to a large extent depends on the political leadership and its commitment to high ethical standards. It is high time that the political leadership should focus on probity integrity and a value-based governance. They have to set examples and reinforce the ethical conduct of public service. A message of zero tolerance to corruption,

unethical, action and behavior will send a strong message and help promote ethical governance.

Transparency in Delivery of Public Services

Efficiently delivering public services is a major area of concern. The poor people depend on government services. Today citizens do not have faith in the delivery mechanism. There is need for reconstruction of the image of the public service. For this, the public trust in public services need to be re-established. For that the citizen - consumers must be heard and their complaints redressed. In our country corruption is rampant in delivery of services. New forms of delivery of public services have challenged the traditional values in the public services. The service must reach the intended beneficiaries.

Use of Innovative Technological Tools to Reduce Human Interface

Twenty first century is the age of digital technology. The lesser the human interface on platforms of governance, the lesser the corruption. Technological tools can help in promoting ethical and moral governance. It reduces discretion and is all-inclusive. New innovation technology needs to be adopted in governance which makes the system much more transparent, accountable and inclusive. The recent initiative of Department of Personnel and Training to move towards a paperless office is to be welcomed. However, care has to be taken that digitalization process itself is not unethical.

Media and Governance

In modern times, the role of media in promoting good governance is highly recognized. When journalists are free to monitor, investigate, and criticize the public administration's policies and actions, good governance takes place. Independent media are like a beacon that should be welcomed when there is nothing to hide and much to improve. Today, despite the mass

media's propensity for sleaze, sensationalism and superficiality, the notion of the media as watchdog, as guardian of the public interest, and as a conduit between the governors and the governed remains deeply ingrained. In India, the media has been able to highlight a number of instances of corruption and maladministration. Media has been able to raise issues of public concern and help make the system more accountable. However, in a democratic framework the media's credibility as a democratic institution is enhanced if they are accountable to the public, acknowledge their mistakes and ensure that ethical and professional standards are upheld. A sensational and trigger-happy press does not contribute to intelligent discussion and debate and soon loses public support. The media should also be equally responsible in a democracy.

Civil Society Organisations : Partners in Good Governance

The role of civil society organizations in promoting good governance has been very vital. They perform multi-dimensional role. They act as 'watchdog' against violations of human right and governing deficiencies. They are agitators on behalf of aggrieved citizens on the aim right entitlements and responsibilities and the government about the pulse of the people. They also provide service to area and people not reached by official efforts and are, thus service provide as well they acts as mobilisers of public opinion for or against a programme or policy. The civil society acts through 'social capita,' - the capacity of people to act together willingly in their common long-term interest.¹⁵

Civil society organizations in India have been greatly active in arenas fighting for a vast variety of issues which has resulted in preserving democracy and enhancing transparency, accountability and open governance. The civil society of today focuses on issues ranging from

social, economic, environmental, law and policy-making. Enactment of RTI Act was the result of the movement initiated at grassroots level by civil society of India. The civil society has mobilized to fight corruption in India with the Lokpal Bill under Anna Hazare. After the gang rape of 23 year old student in Delhi, it was the civil society to speak up for the security of women in India.¹⁶ Civil society, thus, has the ability to express controversial views, represent those without a voice, mobilize citizens into movements, build support across stakeholders, and bring credibility to the political system by promoting transparency and accountability.

Conclusion:

Our ethics system must not only establish minimal standards of conduct but they must also set forth high aspirational goals for public employees. We must be ever vigilant against the threat of corruption. Prevention is better, therefore, it is feasible to implement sound preventive ethics programmes in order to minimize the need for more drastic forms of treatment such as criminal prosecution and administrative discipline apart from further strengthening the various institutions that have been set up to promote good governance. These institutions need to be free from political interference and enjoy functional autonomy in the real sense. This is the right time when strengthening ethical and moral values in governance must occupy the centrestage in Our Quest For Reforms In Our Public administration to make it just and fair to the common man.

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