

EDEN IAS

ETHICS

INTEGRITY & APTITUDE

THE THEORITICAL FRAMEWORK

The good & bad in you

(A Compendium for General Studies Paper - IV)

UPSC PREP

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ETHICS

UNIT-1

ETHICS & HUMAN INTERFACE

MEANING OF ETHICS

The word philosophy is derived from the Greek word *philosophía* which means “Love for Wisdom”. Philosophy is the love of knowledge and Philosopher is a person who seeks knowledge. In a broad sense, **philosophy is an activity people undertake when they seek to understand fundamental truths about themselves, the world in which they live, and their relationships to the world and to each other.**

Philosophy is primarily a way of thinking rather than a fixed body of knowledge. Specifically, philosophy is the practice of thinking about what, why and how we think. This “**thinking about thinking**” involves asking questions about what we know and believe, about what we think is true and false, right and wrong, just and unjust, real and unreal, valuable and valueless, the relationship between language and reality, the nature of consciousness, freedom, justice, truth, happiness, goodness and a host of other topics. **The purpose of this philosophical questioning is both to clarify our own thinking and to determine whether we have good reasons for thinking as we do.**

Philosophy therefore does not offer comfortable certainties, but an intellectual adventure in which everything is up for questioning and reassessment. **The value of philosophy is that it teaches us to recognise the limits of what we know, without succumbing to despair in the face of what we do not know.** Philosophy is divided into different branches and one significant branch is moral philosophy. **Moral philosophy is the branch of philosophy that contemplates what is right and wrong. Moral Philosophy is also known as Ethics.** The word ethics is derived from the ancient Greek word “ethikos” meaning “relating to one’s character”

or “**arising from habit**”. Ethikos itself comes from the root word “Ethos” meaning “character” or “moral nature”.

Thus literally put (verbatim) ethics refers to good character traits that develop when morally correct actions are regularly or habitually performed.

Ethics or moral philosophy is a branch of philosophy that “involves systematizing, defending, and recommending concepts of right and wrong behaviour”.

Ethics refers to a set of standards, norms, principles or directives that a society places over itself and against which actions of individuals are judged from the viewpoint of rightness and wrongness or goodness and badness. Ethical principles also help in evaluating human motives and ends sought by humans, as good or bad.

Ethics thus, is the branch of philosophy that contemplates what is right and wrong. It explores the nature of morality and examines how people should live their lives in relation to others. **Ethics is the rational study of the meaning and justification of moral claims. A moral claim evaluates the rightness or wrongness of an action or a person’s character.** For example, “Lying is wrong” claims the act of lying is wrong, while “One shouldn’t be lazy” claims a character trait (i.e., laziness) is wrong.

ETHICS AND HUMAN INTERFACE

All societies try to maintain “**Social Order**”. Social order refers to a stable state of society in which social structures are accepted; social institutions, social customs, social relations are respected and social norms that guide good behaviour are enforced. The whole idea of social order is to avoid social chaos or social breakdown.

Social order is established and maintained through a device called “**social control**”. Social control is achieved by the twin processes of **socialisation** and **social sanctions**. Socialisation is the process through which individuals learn to behave in a way that is acceptable to the society. Through socialisation an individual gains knowledge about social structures, customs, relations, institutions, practices etc.

Social sanction is a reward or punishment with respect to a behaviour or appearance. It is a reaction from others to the behaviour or appearance of an individual or group. Such a reaction can be positive or negative. (Incentive-Punishment model of social sanction is often enforced by law. **Ethics is the moral tool that protects social order by promoting and encouraging good and right conduct.**

ESSENCE OF ETHICS

In essence **ethics seeks to resolve questions of human morality** by defining concepts such as good, bad, evil, right, wrong, virtue, vice, justice, injustice, fairness, foulness etc. Hence ethics is often defined as the “**science of moral duty**” or “**The science of ideal human character**”.

Ethics is a set of moral principles by which people conduct themselves personally, socially and professionally. The object of ethical system is to achieve “**Summum Bonum**” (The Highest Good). The term Summum Bonum is a Latin expression introduced by the Roman philosopher Cicero, which means the ultimate good.

Summum Bonum is the final end to be achieved; however different philosophers advocate and recommend different pathways to reach the ultimate good. In order to understand the essence of ethics it is important for us to understand what ethics is not.

- Ethics is not morality
- Ethics is not religion
- Ethics is not law
- Ethics is not following any convention or norm

DIFFERENCE BETWEEN ETHICS AND MORALITY

Morality does not demand acquiescence from others the way ethics does. Ethics brings other people for the realization of the self. It is possible to be moral alone but one cannot be ethical alone.

A moralist may say capital punishment is wrong yet capital punishment can exist in the society of which he is a part. It is societal ethics that ultimately determines whether capital punishment is right or wrong, individual opinions in isolation doesn't affect societal ethics. Morality is the personal judgement of right and wrong while ethics is societal view on right and wrong conduct. The difference between ethics and morality can be understood with the help of the following table.

Basis of Comparison	ETHICS	MORALITY
DEFINITION	Set of standards that society places over itself	Personal compass of right and wrong
SOURCE	External: Social Milieu	Internal: Inherent Conscience
WHY WE FOLLOW IT?	Because society or organisation (of which we are part) says it is the right thing to do	Because we believe it is the right thing to do
FLEXIBILITY	They tend to be consistent within a certain context, but can vary between contexts.	Usually consistent although it can change if an individual's belief changes.
ACCEPTABILITY AND AUTHORITY	Governed by law, social customs and sanctions within a particular spatial and temporal context.	Morality transcends cultural norms (universal in nature)

Morality is more consistent than ethics. A person rarely changes his morals, even if there is a change in his external environment (Time-Space) for example a person who holds cowardice as evil will continue to hold so, inspite of him shifting between offices, organisations or political beliefs. Thus morality transcends time and space and appears to be more consistent. Ethics on the other hand change relatively quickly, with change in time and space, for example work ethics followed by different organisations, societal ethics in different countries etc vary. However, it must be noted that individual moral principles help in the creation of general societal ethical standards or norms.

Note: A person strictly following ethical principles may not have any morals at all. Similarly a person, although bound by a higher covenant, may choose to follow a code of ethics just to fit into the organisation.

DIFFERENCE BETWEEN ETHICS AND RELIGION

Religion is an organised collection of beliefs, systems, views and duties which a religious person shall follow. Truth, Compassion and Justice are the main pillars of any religion. Through religion a person attains inner purification and develops a moral understanding of good, bad, right or wrong. Religion often helps in the creation of morals.

Though most religions advocate and recommend high ethical standards, ethics is not religion. Many people are not religious but ethics applies to everyone irrespective of the religion one follows and even those who do not follow any religion (atheists). Further a person can be ethical and not subscribe to any religion simultaneously.

DIFFERENCE BETWEEN ETHICS AND LAW

Law comes into action after the commission of an offence. Ethics comes into play right from the inception of thought of that offence. Law requires hard evidence to ensure the guilt of the offender. In ethics malafide intentions are enough to prove the guilt of any person.

Law can be bypassed by finding loopholes in language or procedure but ethics can never be bypassed, it leaves a permanent impression for a lifetime. Hence Immanuel Kant said

“In law a man is guilty when he violates the rights of others; in ethics he is guilty if he only thinks of doing so”

Immanuel Kant

Ethics is often enforced by law and a good system of law does incorporate many ethical standards, but law can deviate from what is ethical. For example the laws made by the British in India were unethical. However Kant's views are not always true for example adultery, same-sex marriages, abortion are decriminalised in many countries yet a large section of the society in such countries still believes these actions to be unethical. Further, it is difficult to judge someone on the basis of ethics as it is difficult to look into another person's mind. Thus social order is often based on both laws and ethics.

DIFFERENCE BETWEEN ETHICS AND CULTURAL CONVENTIONS

Ethics is not following a culturally accepted norm or any convention of society as such conventions or norms could be totally unethical eg; untouchability or triple talaq. Thus, -“When in Rome, do as the Romans do” is not a satisfactory ethical explanation.

DETERMINANTS OF ETHICS

Most of the moralists believe that to judge the goodness or badness of any particular human act, three elements must be weighed from which every act derives its morality.

- **The Object of the action**
- **The Circumstances in which the action was performed**
- **The end of the action**

The object of the human action is the very thing being done (What is being done?). The object of an action answers the question “What”.....i.e. what did he do? Object is the prime element of moral evaluation. From the viewpoint of object an act can be classified as good, bad or indifferent.

The following principles apply to the object of every action

- **An action whose object is bad will remain bad and nothing can improve it.** For example a lie will remain a lie despite the purpose or circumstances.
- **An action, whose object is good, may become bad because of circumstances or purpose.** Telling the truth is a good action but if truth is told in a situation where silence would have sufficed or truth is being told to destroy the dignity of an individual, then such truth becomes bad action.
- **An action that is indifferent (neither good nor bad) may become good or bad due to circumstances or purpose.** For example sitting (indifferent act) near a lonely person is good, walking (indifferent action) past an accident site without offering help to the injured is bad.

The circumstances are the situation or condition in which the action is performed. (i.e. when and where the action is performed). The circumstances of an action answer the question of space and time.

Circumstances can be aggravating, extenuating or specifying.

- **Circumstances are aggravating when they increase the goodness or badness of an action.** For example giving food to a man who is starving or stealing money from the needy.
- **Circumstances are extenuating when they decrease the goodness or badness of an action.** For example giving a good course book to read to a friend who can afford it is less good than giving it to a friend who cannot. Stealing a Rs. 2000 note from a bank is not as bad as stealing it from the homeless.
- **Circumstances are specifying when they make an indifferent act become good or bad.** For example calling (an indifferent act) the nearest fire station, if a fire breaks out in the neighbourhood is a good action. Taking money from a drawer (an indifferent act) becomes bad if the money doesn't belong to you.

The end of human action is the purpose or intention for which an action is being performed (Why it is being done?). The end of the human action answers the question "Why?"

The end is the purpose a person has in mind while doing the act. The following principles apply to the end of every action

- **An action that is indifferent because of its object may become good or bad due to its purpose or intention.** For example running in itself is an indifferent action but when done to maintain good health it becomes a good act, when done to commit suicide it becomes bad.
- **An action which is good because of its object may become better, less good or even bad because of the purpose.** For example, giving food to the hungry is a good action, if the food is given to get rid of the person it is still good but not as good as in the first case. If food is given to a hungry person to lure the person into doing something evil or immoral, the feeding itself becomes an immoral act.
- **An action that is bad because of its object may become worse or less bad due to its purpose but a bad action is never good irrespective of purpose.** For example, telling a lie is morally wrong but telling a lie to defame another person is more wrong. Telling a lie to "get out of trouble" or "to protect the interests" of another person still lying and wrong but

less wrong because of the purpose. But telling a lie in itself can never become good. "A good end does not justify bad means" (Classical sense of morality found in Gandhi and Kant).

HUMAN ACTIONS

The major focus of ethics is on **human actions**. 'Human actions' also happens to be the starting point for most legal systems. **Investigating agencies, lawyers and Judges are primarily interested in human actions** and following that in their legality or illegality.

Ethics, like law, also focuses on human actions not from the angle of legality but from the viewpoint of morality. However, while focusing on human actions Ethicists make a clear distinction between "**Human Actions**" and "**Acts of Man**".

DIFFERENCE BETWEEN HUMAN ACTIONS AND ACTS OF MAN

Those actions which are deliberately and consciously performed by humans through their intellect and will are known as human actions. In contrast to this '**Acts of Man**' are **instinctive in nature** i.e. they are driven by an impulse or habit.

Let us try to understand this difference between human actions and acts of man with the help of an example. Suppose you are a bank employee. One day there is an armed robbery in your bank. One of the armed robbers points a gun at you and yells at you demanding all the banking data and passwords. Under such circumstances if you share the confidential data with the robbers your action will be an 'Act of man' because it is driven by fear. It is not a human action it is not wilfully or deliberately done.

Hand Me over all the passwords and banking data immediately, else I will shoot you down!!!



As opposed to this consider another situation where you as an employee of a reputed company share the confidential data of your company with a rival company in return of a heavy sum of money from the rival company. There is neither any external pressure on you to share the confidential data with the rival company nor do the circumstances force you to share the data. Further you are fully aware of the financial and other losses your company will incur due to this illegal data sharing but still you do it to earn illicit money. Under such circumstances your action is a 'human action' as you have performed the action deliberately and consciously.

Hey Mr.

I have all the confidential data with me in this brief-case. Take it, use it in any way you like ...Just give me my bag of money as promised earlier!!!



The distinction in the above examples is what moral philosophers or ethicists call as "Actus Humanus" – i.e. deliberate human actions- and "Actus Hominis" -undeliberate human actions. Ethics Judges only Human actions from the point of view of rightness or wrongfulness.

WHAT CONSTITUTES A HUMAN ACTION?

Moral philosophers maintain that three requirements must be concurrently present for any action to be a 'human action'. They are

- **Knowledge-** You should be aware of what you are doing
- **Voluntariness-** The action should flow from your will
- **Freedom-** The action must be freely performed

Knowledge is an essential requirement for an action to be a human action. **Knowledge means familiarity, awareness or understanding of someone or something.** Knowledge is acquired through experience and education. **Knowledge refers to both theoretical and practical understanding.**

Besides knowledge the action must be **voluntary in nature i.e. it must proceed from the will.** Actions can proceed **directly from the will like consenting or indirectly through other faculties which are commanded by the will like thinking.** If someone places a gun in my hand and pulls the trigger, it is obvious that my will does not control or cause that action and therefore the shooting is not voluntary and so not a human action. **In law or ethics voluntariness is a choice made by the person's will as opposed to the choices that are made as a result of coercion or duress.**

Although some human actions are voluntary i.e. the actor carries out the action all by himself not every voluntary action is free. **Freedom is the blossoming of the volition into sentience.** Freedom occurs when a person makes choices that are not externally programmed into the person by instinct or culture. **Even animals enjoy volition but only sentient beings have free will.**

CONSEQUENCES OF ETHICS IN HUMAN ACTIONS

The consequences are the effects caused by an action. An action is judged to be good or bad on the basis of its outcome. If people suffer, it is wrong, if people benefit, it is right. Motives are the causes while effects are the consequences.

The causes where the consequences of an action are attributable to the doer, involves the following:

- **If the doer know ahead (even if vaguely) what the consequences of a particular choice or action will be, he/she is presumed to have willed the effect.** For example if a person takes a wild gunshot knowing that it might hurt or kill someone the action is deliberate.
- **If the actor does not perform the act but causes another one to do it (in the form of help, encouragement or persuasion) the first person is still morally responsible.** For example if a politician gives a hate speech that incites violence and communal riots then the politician is guilty.
- **If one, remains silent or chooses not to act, when he/she should have acted.** For example, if a person refrains from helping an accident victim

DIMENSIONS OF ETHICS

Ethics is usually divided into three distinct subject areas: **metaethics**, **normative ethics**, and **applied ethics**.

- a) **Meta Ethics:** Meta Ethics is the study of **ethical ideas** or **ethical language**. Metaethics **examines the nature of moral claims and arguments**. Meta-ethics, investigates **big picture questions** such as, **“What is morality?”** “What is justice?” “Is there truth?” and “How can I justify my beliefs as better than conflicting beliefs held by others?” This partly involves attempting to determine if moral claims have clear essential meanings (i.e., they avoid vagueness and ambiguity). But it also attempts to answer questions such as: Are moral claims expressions of individual emotions? Are moral claims social inventions? Are moral claims divine commands? Can one justify moral claims? How does one justify them?
- b) **Normative Ethics:** Another branch of moral philosophy is normative ethics. It answers the question of what we ought to do. Normative ethics focuses on providing a framework for deciding what is right and wrong. Three common frameworks are **deontology, consequentialism (utilitarianism), and virtue ethics**. Normative ethics examines moral standards that attempt to define right and wrong conduct. Historically, this has involved examining good and bad habits, duties, or an action’s consequences. In addition, historically, normative ethics has focused on the prospect of a single moral standard defining right and wrong conduct; but it has become more common for philosophers to propose a moral pluralism with multiple moral standards.
- c) **Applied Ethics:** It addresses **specific, practical issues of moral importance**. For example, one is doing applied ethics when one addresses the morality of specific practical issues like abortion, euthanasia, capital punishment, environmental concerns, homosexuality, terrorism etc. **By using the conceptual tools of metaethics and normative ethics, discussions in applied ethics try to resolve these issues.** Applied ethics also tackles specific **moral challenges** that people face daily, such as whether they should lie to help a friend or a co-worker.

META-ETHICS vs NORMATIVE ETHICS vs DESCRIPTIVE ETHICS

Meta-ethics is concerned with what we mean when we use words like ‘good’ ‘bad’ ‘right’ ‘wrong’. Meta-ethics can be contrasted with Normative Ethics (the attempt to work out which actions are right/wrong) and Descriptive ethics (the attempt to compare and describe moral behaviours). In simple terms, meta-ethics is concerned with the question of what is the meaning (if any) of ethical ideas like ‘goodness’.

Note: While metaethics, normative ethics, and applied ethics are distinct subjects, these subjects are interdependent. For example, how one pursues normative ethics will be greatly affected by one’s metaethical assumptions. If one assumes, for example, that moral claims are divine commands, then one’s normative positions will be determined by identifying divine commands. Given this relationship between metaethics and normative ethics, it is common for metaethical questions to arise during a discussion on normative ethics. Similarly, how one pursues applied ethics will be greatly affected by one’s normative assumptions. If one assumes that one always should pursue those actions which lead to the best consequences, then one’s position on, for example, capital punishment, abortion, and terrorism will be determined by identifying which action(s) will lead to the best consequences. This interdependence between metaethics, normative ethics and applied ethics is the core of all moral philosophical studies, interpretations and interpolations.

META-ETHICS: HISTORY AND EVOLUTION

The term “meta” is a Greek word that means ‘beyond’ hence **Metaethics literally means beyond ethics. Metaethics is a branch of analytic philosophy that explores the status, foundations, and scope of moral values, properties, and words.** Whereas the fields of applied ethics and normative theory focus on what is moral, metaethics focuses on what morality itself is. **Meta ethics is defined as the study of the origin and meaning of ethical concepts.**

Metaethical positions may be divided according to how they respond to questions such as the following:

- **What exactly are people doing when they use moral words such as “good” and “right”?**
- **What precisely is a moral value?**
- **Where do moral values come from—what is their source and foundation?**

- **Are some things morally right or wrong for all people at all times, or does morality instead vary from person to person, context to context, or culture to culture?**

Metaethical positions respond to such questions by examining the semantics of moral discourse, the ontology of moral properties, the significance of anthropological disagreement about moral values and practices, the psychology of how morality affects us as embodied human agents, and the epistemology of how we come to know moral values.

Although the word “metaethics” was coined in the early part of the twentieth century, the basic philosophical concern regarding the status and foundations of moral language, properties, and judgments goes back to the very beginnings of philosophy. Several characters in **Plato’s dialogues**, for instance, arguably represent metaethical stances familiar to philosophers today: **Callicles in Plato’s Gorgias advances the thesis that Nature does not recognize moral distinctions, and that such distinctions are solely constructions of human convention;** and **Thrasymachus in Plato’s Republic advocates** a type of **metaethical nihilism** (most commonly, nihilism is presented in the form of existential nihilism, which argues that life is without objective meaning, purpose, or intrinsic value) **by defending the view that justice is nothing above and beyond whatever the strong say that it is. Socrates’ defense of the separation of divine commands from moral values in Plato’s Euthyphro is also a forerunner of modern metaethical debates regarding the secular foundation of moral values.** Aristotle’s grounding of virtue and happiness in the biological and political nature of humans has also been examined from the perspective of contemporary metaethics. Many Medieval accounts of morality that ground values in religious texts, commands, or emulation may also be understood as defending certain metaethical positions.

DIVINE COMMAND THEORY

Philosophers both past and present have sought to defend theories of ethics that are grounded in a theistic framework. Roughly, Divine Command Theory is the view that morality is somehow dependent upon God, and that moral obligation consists in obedience to God’s commands. Divine Command Theory includes the claim that morality is ultimately based on the commands or character of God, and that the morally right action is the one that God commands or requires. The specific content of these divine commands varies according to the particular religion and the particular views of the individual divine command theorist, but

all versions of the theory hold in common the claim that morality and moral obligations ultimately depend on God.

Divine Command Theory has been and continues to be highly controversial. It has been criticized by numerous philosophers, including Plato, Kai Nielsen, and J. L. Mackie. The theory also has many defenders, both classic and contemporary, such as Thomas Aquinas, Robert Adams, and Philip Quinn. The question of the possible connections between religion and ethics is of interest to moral philosophers as well as philosophers of religion, but it also leads us to consider the role of religion in society as well as the nature of moral deliberation. Given this, the arguments offered for and against Divine Command Theory have both theoretical and practical importance.

In contrast, during the European Enlightenment, **Immanuel Kant** sought a foundation for ethics that was less prone to religious sectarian differences, by looking to what he believed to be universal capacities and requirements of human reason. In particular, Kant’s discussions in his *Groundwork on the Metaphysics of Morals* of a universal “moral law” necessitated by reason have been fertile ground for the articulation of many contemporary neo-Kantian defenses of moral objectivity.

Since metaethics is the study of the foundations, if any, of morality, it has flourished especially during historical periods of cultural diversity and flux. For example, responding to the cross-cultural contact engendered by the **Greco-Persian Wars**, the ancient **Greek historian Herodotus reflected on the apparent challenge to cultural superiority** posed by the fact that different cultures have seemingly divergent moral practices. A comparable interest in metaethics dominated seventeenth and eighteenth-century moral discourse in Western Europe, as theorists struggled to respond to the destabilization of traditional symbols of authority—for example, scientific revolutions, religious fragmentation, civil wars—and the **grim pictures of human egoism** that thinkers such as **John Mandeville** and **Thomas Hobbes** were presenting. Most famously, the eighteenth-century Scottish philosopher **David Hume may be understood as a forerunner of contemporary metaethics when he questioned the extent to which moral judgments might ultimately rest on human passions rather than reason, and whether certain virtues are ultimately natural or artificial.**

Analytic metaethics in its modern form, however, is generally recognized as beginning with the moral writings of **G.E. Moore**. Moore urged a distinction between merely

theorizing about moral goods on the one hand, versus theorizing about the very concept of “good” itself. Then, in the 1970s, largely inspired by the work of philosophers such as **John Rawls** and **Peter Singer**, analytic moral philosophy began to refocus on questions of applied ethics and normative theories. Today, metaethics remains a thriving branch of moral philosophy.

META-ETHICS: COGNITIVISM vs NON-COGNITIVISM

Meta ethics is most commonly divided into two main categories viz. Cognitivism and Non-Cognitivism. When someone believes that ethics is cognitive they believe that it is subject to cognition and something that exists in an objective world. **Cognitivism is the view that ethical sentences express propositions and can therefore be true or false** (i.e. they are **truth-apt** or sentences that are capable of being true or false). Thus, moral judgments are **capable** of being **objectively true**, because they describe some **feature of the world**. So **Moral Statements become factual statements** they are either **objectively true or false** and what is ‘**morally right**’ or ‘**morally wrong**’ can be known. **Non-Cognitivism is the meta-ethical view that ethical sentences do not express propositions (i.e., statements) and thus cannot be true or false (they are not truth-apt).**

A noncognitivist denies the cognitivist claim that “moral judgments are capable of being objectively true, because they describe some feature of the world. **Non-Cognitivism is the exact opposite of Cognitivism, that moral statements are not factual statements and are not subject to truth or falsity. Morality is then merely subjective there are no objective moral truths and because of this morality cannot be known.** Non-Cognitivists simply claim that **if moral statements cannot be true or false then moral knowledge is impossible.**

COGNITIVISM: NATURALISM AND NON-NATURALISM

Cognitive ethics can itself be divided into two categories viz. Naturalism and Non-naturalism. **Naturalist cognitive ethics argues that moral statements can be reduced to natural statements and therefore they become factual statements.** By natural statements we mean something that exists in our natural world. **Something observable, knowable that we can verify empirically.** Most commonly people would reduce the moral statement good to natural statement pleasure and moral statement bad to natural statement pain.

Morally Good = Pleasure

Morally wrong = Pain

Hence according to Cognitive naturalists if something promotes pleasure to people we define it as good (morally good) and if something promotes pain to people we define it as bad (morally bad). **This very much provides the base for the utilitarianism ethics.** So with cognitive naturalist approach we can use our senses to verify moral statements. It’s almost like the scientific approach to ethics.

G.E. Moore’s Non-Naturalism (Open question argument and intuitionism)

Non-naturalist cognitive ethics argues that moral statements can’t be reduced to natural statements. According to Cognitive non-naturalism we cannot find moral truths in natural properties. **A great proponent of non-naturalism is G.E. Moore.** Moore argued that **we cannot equate moral terms to natural terms and when one does try to do so they are committing a Naturalistic Fallacy.** Moore’s reasoning for this was based upon **David Hume’s “is-ought” problem.**

DAVID HUME’S IS-UGHT PROBLEM or GUILLOTINE

The is-ought problem, as articulated by the **Scottish philosopher and historian David Hume** (1711–76), states that many writers make claims about what ought to be, based on statements about what is. **This problem is found within our understanding of morality.** How can we know **what ought to be** by assuming knowledge of **what is**. According to Hume we cannot derive our moral values from non-moral natural facts. **In simple words we cannot make moral value judgements by only observing facts.**

How can we derive how we ought to act based on what is. So when we make ‘oughts’ or moral claims based upon ‘is’ or natural facts (or facts about the world) there is a gap in our reasoning. We somehow believe that we are drawing moral knowledge from natural facts but the two are not linked in any way. **Hume found that there seems to be a significant difference between descriptive statements (about what is) and prescriptive or normative statements (about what ought to be),** and that it is not obvious how one can coherently move from descriptive statements to prescriptive ones. The ‘**is-ought**’ problem is also known as **Hume’s law, Hume’s guillotine or fact-value gap.**

A similar view is defended by G. E. Moore's open-question argument, intended to refute any identification of moral properties with natural properties. This so-called naturalistic fallacy stands in contrast to the views of ethical naturalists.

OPEN QUESTION ARGUMENT AND INTUITIONISM

A moral naturalist would argue that what produces pleasure is good and what produces pain is bad. G.E. Moore illustrated how reducing a moral property to a natural property is a mistake (naturalistic fallacy) using the open question argument. The argument goes as follows:

Good (Moral Property) = Pleasure (Natural Property)

If 'X' brings pleasure, then 'X' is good.

Hence if 'X' is 'eating fast food' and 'eating fast food' brings pleasure then 'eating fast food' is good

As per the above statements to ask If 'X' is Good? would be a meaningless question. It would be similar to asking Is Good Good? and this would create a conceptual confusion.

G.E. Moore says that to ask if 'X' is Good is not a meaningless question and creates no conceptual confusion, rather it is an open question. Therefore it is not meaningless to ask if eating fast food is really good.

Therefore 'X' is not synonymous to Good and thus

Moral Property (Good) cannot be identical to any Natural Property (like Pleasure)

So Naturalist Moral Realism is False

Here we can see how Moore followed the above logic to claim that moral properties cannot be reduced to natural properties. If the moral property good is analytically equivalent to a natural property then it would seem repugnant to question if this natural property really is good. Yet we find that it is never a closed question when we attempt to define a moral property. If we say good is synonymous to what I desire. It is always an open question for one to ask if what I always desire is good? And asking this question creates no conceptual confusion.

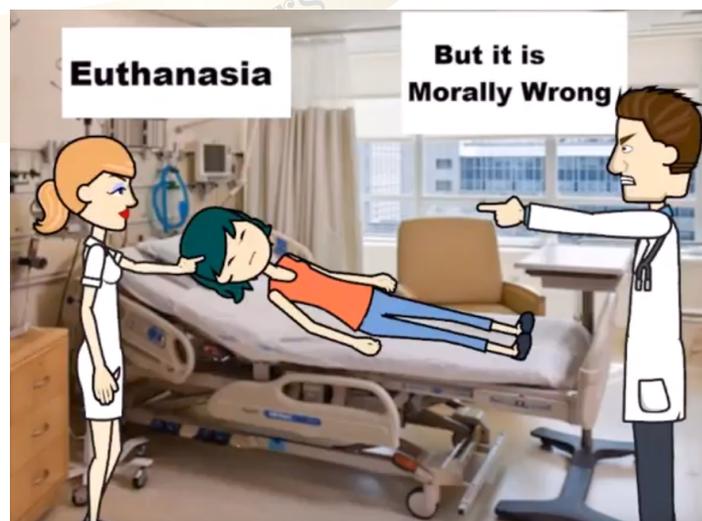
Here is when Moore argues that moral terms like good cannot actually be defined. Words like good are simple and unanalysable property. It cannot be defined in terms of anything else. They cannot be broken down any further. Moore likened this to any colour say Blue. We cannot

define Blue any further in terms of anything else. Blue is just Blue. We can just recognise it as Blue. Hence Good is simply Good and nothing else we can define it in no other way but we can only recognise it when we encounter it or see it.

Blue is a simple property, and no one can explain what blue is, you have to see it for yourself to understand what blue is. But unlike colours, goodness is a non-natural property. It is not part of the natural world, the world of science; but it is part of reality. Because these facts are not natural facts, we come to know them in an unusual way, through a faculty of 'intuition'. Intuition is our innate ability with its help we can recognise good and bad when we see it although we cannot define good or bad in any other term. So morality does exist although we can define it we can recognise it.



Going by Moore's logic if Moral properties are true and objective yet not similar to natural properties and if everyone is endowed with the faculty of intuition, why do we have disagreements on moral issues like Euthanasia, Abortion etc.



If morality is objective then all people should recognise it. Why do we not recognise it in the same way? Moore used the colour Blue as an indefinable term like Good. However German philosopher **Friedrich Wilhelm Nietzsche** criticised this analogy and argued that one person may see something as good while other may see good in something else. This is something on the lines of ethical colour blindness. Finally the idea of intuition lacks any empirical evidence. We have zero proof of something like this existing. This seems like a metaphysical claim and to base objective moral truths on metaphysical claims does not seem right.

NON-COGNITIVISM: EMOTIVISM AND PRESCRIPTIVISM

Non-cognitivists think that moral statements have no substantial truth conditions. In other words moral language does not express any factual statements. Morality is not knowable or objectively true. There are two popular theories in favour of non-cognitivism viz. Emotivism and Prescriptivism.

A.J. Ayer's emotivism

A.J. Ayer argued that since moral statements are not truth-apt. All moral statements are just an expression of a person's belief, desires, approval or disapproval. Hence all moral statements are just feelings or emotions towards a certain situation. So if someone says stealing is wrong, all they are saying is **"I believe/feel stealing is wrong"**. However stealing as a statement is neither true or false, it is a meaningless statement. Emotivism is also known as the **"Boo-Hurrah"** theory. **A.J. Ayer was a part of a wider philosophical thought known as Logical Positivism.** Logical Positivists believe that a statement is only truth-apt if it is either an analytic statement or a synthetic statement. This is known as the **Verification-Principle**.

An analytic statement is one which is true by the meaning alone. Like a **Bachelor is an unmarried man.** It is true by definition. **A synthetic statement needs empirical evidence to be proven right or wrong.** Something that can be tested by the five senses. So if I say that **there are two dogs by the lane.** You can go and empirically verify if that statement is true or false. Ayer argues that moral statements are neither Analytic nor are they Synthetic. We cannot verify moral statements by empirical tests. For example if someone says stealing is wrong!..How can we verify that empirically? We can surely highlight the impact of stealing on the victims and the emotional damages it causes but this is not empirical

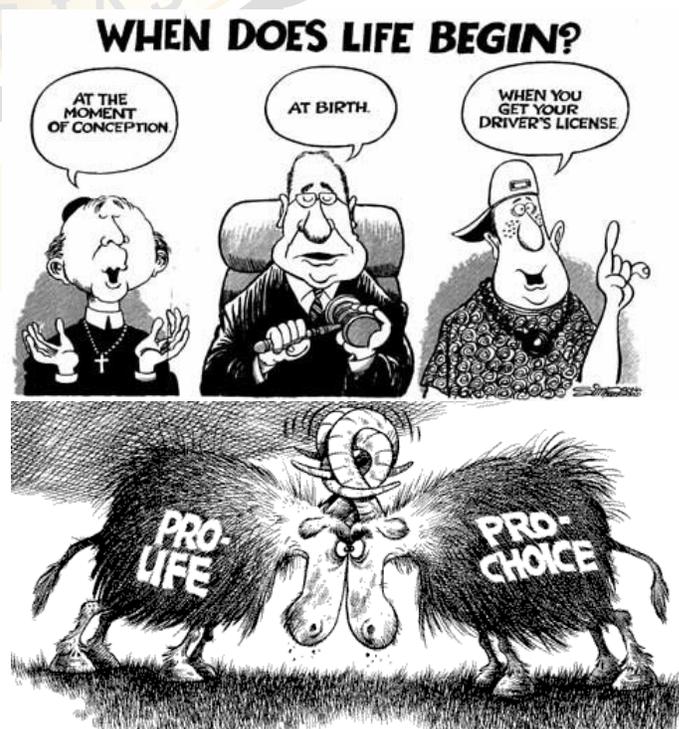
proof that stealing is wrong. It just proves the effect of the statement and does not verify the statement. Hence all moral statements are not truth-apt i.e. they are neither true nor bad.. they are just meaningless and just the expression of feelings/emotions of the people saying it.

If I say 'murder is wrong', this is not analytic, nor can any empirical investigation show this. We can show that murder causes grief and pain, or that it is often done out of anger. But we cannot demonstrate, in the same way that it is wrong. Ayer argued that ethical judgements express feelings: 'If I say to someone, "You acted wrongly in stealing that money" ...I am simply evincing my moral disapproval of it.

Emotivism does not suffer from Moore's open question argument. According to the open question argument any attempt to reduce moral statements to natural statements is a mistake and morality cannot be defined in natural terms (**Naturalistic Fallacy**).

Emotivism does not attempt to say that moral statements are equivalent to natural statements as they are just a person's feelings there is no truth or falsity attached. Further **Moore argued from a Cognitive position, he claimed that moral statements can still be known through our moral intuition.**

But according to Ayer a moral intuition does not meet the verification principle. So we have no basis to believe in it. Also emotivism further explains why we have moral disagreements that can never be resolved. How can two people think that they are morally right and yet never agree on what that is (e.g. Abortion)



It is because morally right does not exist, its just two different beliefs from two different people. Emotivism also explains how different cultures and different time periods can have different attitudes towards morality. For example Infanticide in Sparta, Marriages etc.

Charles Stevenson Emotivism

Charles Stevenson argued that moral statements are deeply held beliefs (Moral Stements= Deeply held beliefs). Charles Stevenson argues that moral words have emotive meanings. The sentence 'You stole that money' has a purely descriptive meaning, viz. that you took money that did not belong to you without permission from the owner. But it can be used with an emotive meaning (**'you stole that money!'**), a meaning that expresses disapproval. Many moral terms (**'steal', 'honesty', 'respect'**) have both descriptive and emotive meanings. The central ones, though, 'right', 'wrong', 'good', and 'bad' only have emotive meanings.

When we use the terms 'good' and 'right', we express our approval. The whole point of ethics is to influence how we behave. We use moral judgements to express our feelings and to influence the feelings and actions of other people. Words with emotive meaning do just that. Emotivism connects caring, approving, disapproving, with the very meaning of ethical words.

However it seems as if emotivism oversimplifies morality and reduce moral statements to something trivial. We know that moral statements are important in shaping one's world and one's culture. If they are nothing more than an expression of feeling then saying "Murder is wrong!!!" holds the same value as I don't like chinese fast food. But we know that moral statements are much more important than that.

The main difficulty with logical positivism is that according to the principle of verification, the principle of verification itself is meaningless. The claim that 'a statement only has meaning if it is analytic or can be verified empirically' is not analytic and cannot be verified empirically. But if the principle of verification is meaningless, then what it claims cannot be true. So it does not give us any reason to believe that the claims of ethics are meaningless.

R. M. Hare's Prescriptivism

Hare argued that one makes moral statement they are not just expressing their belief but they are prescribing or recommending a course of action-A way one should behave! So according to R.M. Hare when someone says

"Murder is wrong". He is not only saying that I dislike or disapprove of murder but also saying that "No one should ever murder".

This difference of prescriptivism from emotivism, he claimed, allows a greater role for reason in moral discussion. Prescriptivism works like commands, also known as imperatives. Hare argued that if I say 'Eating meat is wrong', I am saying 'Don't eat meat'. We use the word 'good', says Hare, when we want to commend something to someone. There is a difference of emphasis between 'good action' and 'right action': 'good action' commends the action without necessarily commanding it - we are saying it should be praised, but not necessarily that you have to do it to be a good person. If we say an action is the 'right action', then we are commanding it - it is a guideline for behaviour that people should follow.

Note: Ayer, Stevenson (Emotivism) and Hare (Prescriptivism) have still something in common they all believe that moral statements are non-cognitive or that they are not subject to truth or falsity. Morality is then merely subjective there are no objective moral truths. If we follow this line of thought we still have no reason to ever act in a moral way as there is no morally right or morally wrong behaviour. According to Non-Cognitivist approach Genocide, Murder, Terrorism etc are all technically not morally wrong. Human beings then have no true codes to live by, no true codes to follow, no true codes to shape their behaviour.

DESCRIPTIVE ETHICS

Descriptive ethics is the study of people's beliefs about morality. It involves empirical investigation. It gives us a general pattern or a way of life of people in different types of communities. Descriptive ethics studies the history and evolution of ethics. It gives a record of certain taboos, customs or conventions.

Descriptive ethics investigates people's ethical ideals or what actions are condemned in a society. It aims to find out people's beliefs about values, which actions are right and wrong and which characteristics of a moral agent are virtuous. Descriptive ethics seeks the explanation of actual choices made by moral agents in practice. It tries to examine the ethical codes applied by various groups. It is empirical investigation of people's moral beliefs.

CONSEQUENTIALISM

Consequentialism, as the name suggests, bases morality on the consequences of human actions and not on the actions themselves, its emphasis, thus, is on the rightness of the 'end' rather than morality of the 'means' employed. Consequentialism says that right or wrong depends on the consequences of an act, and that the more good consequences are produced, the better the act.

Consequentialism is the class of normative ethical theories holding that the consequences of one's conduct are the ultimate basis for any judgment about the rightness or wrongness of that conduct. **Thus, from a consequentialist standpoint, a morally right act is one that will produce a good outcome, or consequence.** Consequentialism is primarily non-prescriptive, meaning the moral worth of an action is determined by its potential consequence, not by whether it follows a set of written edicts or laws. One example would entail lying under the threat of government punishment to save an innocent person's life, even though it is illegal to lie under oath. Three subdivisions of consequentialism are:

- **Ethical egoism**
- **Ethical altruism**
- **Utilitarianism**

EGOISM

The term "egoism" is derived from "ego," the Latin term for "I" in English. According to this perspective, an action is morally right if the consequences of that action are more favourable than unfavourable only to the agent performing the action.

Egoism has two variants, descriptive and normative. The descriptive (or positive) variant conceives egoism as a factual description of human affairs. That is, people are motivated by their own interests and desires, and they cannot be described otherwise. The normative variant proposes that people should be so motivated, regardless of what presently motivates their behavior.

DESCRIPTIVE AND PSYCHOLOGICAL EGOISM

The descriptive egoist's theory is called "**psychological egoism.**" Psychological egoism describes human nature as being wholly self-centered and self-motivated. Examples of this explanation of human nature predate the formation of the theory, and, are found in writings such as that of British Victorian historian, **Macaulay**, and, in that of British Reformation political philosopher, **Thomas Hobbes**. To the question, "What proposition is there

respecting human nature which is absolutely and universally true?", Macaulay, replies, "We know of only one . . . that men always act from self-interest."

In its strong form, psychological egoism asserts that people always act in their own interests, and, cannot but act in their own interests, even though they may disguise their motivation with references to helping others or doing their duty.

Opponents claim that psychological egoism renders ethics useless. However, this accusation assumes that ethical behavior is necessarily other-regarding, which opponents would first have to establish. Opponents may also exploit counterfactual evidence to criticize psychological egoism—surely, they claim, there is a host of evidence supporting altruistic or duty bound actions that cannot be said to engage the self-interest of the agent.

However, what qualifies to be counted as apparent counterfactual evidence by opponents becomes an intricate and debatable issue. This is because, in response to their opponents, psychological egoists may attempt to shift the question away from outward appearances to ultimate motives of acting benevolently towards others; for example, they may claim that seemingly altruistic behavior (giving a stranger some money) necessarily does have a self-interested component. For example, if the individual were not to offer aid to a stranger, he or she may feel guilty or may look bad in front of a peer group.

On this point, psychological egoism's validity turns on examining and analyzing moral motivation. But since motivation is inherently private and inaccessible to others (an agent could be lying to herself or to others about the original motive), the theory shifts from a theoretical description of human nature--one that can be put to observational testing--to an assumption about the inner workings of human nature: psychological egoism moves beyond the possibility of empirical verification and the possibility of empirical negation (since motives are private), and therefore it becomes what is termed a "closed theory."

A closed theory is a theory that rejects competing theories on its own terms and is non-verifiable and non-falsifiable. If psychological egoism is reduced to an assumption concerning human nature and its hidden motives, then it follows that it is just as valid to hold a competing theory of human motivation such as psychological altruism.

NORMATIVE EGOISM

The second variant of egoism is normative in that it stipulates the agent ought to promote the self above other values. **Herbert Spencer** said, “**Ethics has to recognize the truth, recognized in unethical thought, that egoism comes before altruism.**” The acts required for continued self-preservation, including the enjoyments of benefits achieved by such arts, are the first requisites to universal welfare. Unless each duly cares for himself, his care for all others is ended in death, and if each thus dies there remain no others to be cared for.”

He was echoing a long history of the importance of self-regarding behavior that can be traced back to Aristotle’s theory of friendship. In his theory, Aristotle argues that a man must befriend himself before he can befriend others. **The general theory of normative egoism does not attempt to describe human nature directly, but asserts how people ought to behave.** It comes in two general forms: **rational egoism** and **ethical egoism**.

RATIONAL EGOISM

Rational egoism claims that the promotion of one’s own interests is always in accordance with reason. The greatest and most provocative proponent of rational egoism is **Ayn Rand**, whose *The Virtue of Selfishness* outlines the logic and appeal of the theory. Rand argues that: first, properly defined, selfishness rejects the sacrificial ethics of the West’s Judaic-Christian heritage on the grounds that it is right for man to live his own life; and, Rand argues that, second, selfishness is a proper virtue to pursue. That being said, she rejects the “selfless selfishness” of irrationally acting individuals: “the actor must always be the beneficiary of his action and that man must act for his own rational self-interest.” To be ethically selfish thus entails a commitment to reason rather than to emotionally driven whims and instincts.

In the strong version of rational egoism defended by Rand, not only is it rational to pursue one’s own interests, it is irrational not to pursue them. Critics of rational egoism may claim that reason may dictate that one’s interests should not govern one’s actions.

This is famously described in the **Prisoner’s Dilemma**.

		Prisoner B	
		Confess	Don’t confess
Prisoner B	Confess	5,5	¹ / ₂ ,10
	Don’t confess	10, ¹ / ₂	2,2

From the table, two criminals, A and B, face different sentences depending on whether they confess their guilt or not. Each prisoner does not know what his partner will choose and communication between the two prisoners is not permitted. There are no lawyers and presumably no humane interaction between the prisoners and their captors.

Rationally (i.e., from the point of view of the numbers involved), we can assume that both will want to minimize their sentences. Herein lies the rub - if both avoid confessing, they will serve 2 years each – a total of 4 years between them. If they both happen to confess, they each serve 5 years each, or 10 years between them.

However they both face a tantalizing option: if A confesses while his partner doesn’t confess, A can get away in 6 months leaving B to languish for 10 years (and the same is true for B): this would result in a collective total of 10.5 years served.

For the game, the optimal solution is assumed to be the lowest total years served, which would be both refusing to confess and each therefore serving 2 years each. The probable outcome of the dilemma though is that both will confess in the desire to get off in 6 months, but therefore they will end up serving 10 years in total. This is seen to be non-rational or sub-optimal for both prisoners as the total years served is not the best collective solution.

The Prisoner’s Dilemma offers a mathematical model as to why self-interested action could lead to a socially non-optimal equilibrium (in which the participants all end up in a worse scenario).

ETHICAL EGOISM

Ethical egoism is the normative theory that the promotion of one’s own good is in accordance with morality. In the strong version, it is held that it is always moral to promote one’s own good, and it is never moral not to promote it. Ethical egoism is the normative ethical position that moral agents ought to do what is in their own self-interest. It differs from psychological egoism, which claims that people can only act in their self-interest.

Psychological egoism describes how people actually behave (i.e. in self-interest) whereas normative theories (like ethical egoism) propose how people should behave (i.e. promotion of self interest is the best ethical conduct). It must be distinguished from rational egoism, while rational egoism claims that acting in self-interest is rational and logical, ethical egoism claims that someone who acts in their own self interest is ethical or good.

Ethical Egoism is an ethical position which claims that it is always right to do what would benefit you the most. It is morally good to do whatever will give the best outcome for you. It is morally obligatory that you act in your own self interest.

One might object that this position is not actually what we mean by ethics, and in fact ethics should prevent us from doing what we want and make us work for the good of the society.

An ethical egoist might respond to these criticisms by claiming that their position is not saying that it is ethical to do what ever you want but rather what will benefit you the most in the long term. And one could argue doing things like helping others, and being kind will benefit you more in the long run than just doing whatever you want. Therefore what you should do is more important that what you can do.

At this juncture it becomes important to not confuse self-interest with selfishness. The pursuit of self-interest is choosing an option that would result in the decision maker receiving the net benefits. Selfishness refers to the lack of concern for the value of others. It refers to someone who does not care about the others and does not care about fairness.

CONDITIONAL EGOISM

A final type of ethical egoism is conditional egoism. This is the theory that **egoism is morally acceptable or right if it leads to morally acceptable ends**. For example, **self-interested behaviour can be accepted and applauded if it leads to the betterment of society as a whole**; the ultimate test rests not on acting self-interestedly but on whether society is improved as a result. **A famous example of this kind of thinking is from Adam Smith's "The Wealth of Nations"**, in which Smith outlines the public benefits resulting from self-interested behaviour. Smith writes: "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages".

As Smith himself admits, if egoistic behaviour lends itself to society's detriment, then it ought to be stopped. The theory of conditional egoism is thus dependent on a superior moral goal such as an action being in the com-

mon interest, that is, the public good. The grave problem facing conditional egoists is according to what standard ought the limits on egoism be placed? In other words, who or what is to define the nature of the public good? If it is a person who is set up as the great arbitrator of the public, then it is uncertain if there can be a guarantee that he or she is embodying or arguing for an impartial standard of the good and not for his or her own particular interest. If it is an impartial standard that sets the limit, one that can be indicated by any reasonable person, then it behooves the philosopher to explain the nature of that standard.

ETHICAL ALTRUISM

Altruism means acting in the best interest of others rather than in one's own self-interest. Some people believe **altruism constitutes the essence of morality**. Behaviour is normally described as altruistic when it is motivated by a desire to benefit someone other than oneself. According to this perspective, an action is morally right if the consequences of that action are more favourable than unfavourable 'to everyone except the agent'. The term is used as the contrary of "self-interested" or "selfish" or "egoistic"—words applied to behaviour that is motivated solely by the desire to benefit oneself. "Malicious" designates an even greater contrast: it applies to behaviour that expresses a desire to harm others simply for the sake of harming them.

Ethical Altruism is an ethical doctrine that holds that individuals have a **moral obligation** to **help, serve** or **benefit** others, if necessary at the **sacrifice of self interest**. More precisely, an action is **morally right** if the consequences of that action are **more favorable than unfavorable to everyone except the agent**.

The term «altruism» (initially derived from the Latin «alter» meaning «other») was coined by **Auguste Comte**, the French founder of **Positivism**, in order to describe his **ethical doctrine**, which he **summed up** in the phrase: "**Live for others**". In more **general terms**, Altruism is selfless concern for the welfare of others (although its common usage does not **necessarily** entail any ethical obligation). Altruism is often seen as a form of Consequentialism, as it indicates that an action is ethically right if it brings **good consequences** to others. It may be seen as similar to Utilitarianism, although an **essential difference** is that Utilitarianism prescribes acts that maximize good consequences for **all of society**, while Altruism prescribes maximizing good consequences for **everyone except the actor**. Altruism is generally

adopted as a convenient antithesis to egoism. It is the **opposite** of **Egoism**, which holds that individuals should do what is **best for themselves**, that it is not only their right but their duty to look after their **own interests** first.

Altruism is acting out of concern for another's well-being. Often, people behave altruistically when they see others in desperate circumstances and feel empathy and a desire to help. Altruism doesn't always come naturally, since by definition, it requires people to disregard their own concerns to help others without any expectation of reward.

Friedrich Nietzsche held that the idea that it is virtuous to treat others as more important than oneself is **degrading** and **demeaning** to the self, and hinders the individual's pursuit of **self-development**, **excellence** and **creativity**. He maintained that it was an ideology fabricated **by the weak for the weak**, and masks self-poisoning **resentment** about individual and collective **powerlessness**.

The Objectivist **Ayn Rand** is on record as stating that **most problems** in the world come from the doctrine of Altruism, and argues that there is no **rational** ground for asserting that sacrificing yourself in order to serve others is **morally superior** to pursuing your own self-interest. Furthermore, if the state were to **enforce** Altruism as a moral ideal, this could ultimately result in the state forcing everyone into a **collectivist** political system.

Others have argued that actions formerly seen as altruistic are in reality just a form of **enlightened self-interest**. Defenders of **psychological egoism** contend that there is no such thing as altruism (although this notion seems implausible), and **adherents to ethical egoism consider altruism an undesirable, morally backward doctrine**. Nevertheless, most moral philosophers regard altruistic actions as admirable and think these actions have a role to play in morality. However, those who endorse mildly altruistic moral principles may reject altruistic principles that mandate extreme personal sacrifices.

Note: Some **British Utilitarians**, such as **Herbert Spencer** and **Leslie Stephen**, attacked the distinction between self and others that is basic to both altruism and egoism. Such Utilitarians viewed the end of moral activity as the welfare of society, the social organism.

UTILITARIANISM

Utilitarianism is a normative-consequentialist ethical theory that places the locus of right and wrong solely on the outcomes (consequences) of choosing one action/policy over other actions/policies. The underlying prin-

ciple of utilitarianism is that an action is right if it produces **greatest good for the greatest number**. According to this perspective, an action is morally right if the consequences of that action are more favourable than unfavourable to everyone'.

In normative ethics the idea of utilitarianism emerged from the writings of 18th- and 19th-century English philosophers and economists namely **Jeremy Bentham** and **John Stuart Mill**.

What is the meaning of Utility? Within economics the concept of utility is used to show worth or value, but its usage has evolved significantly over time. The term was introduced initially as a **measure of pleasure** or **satisfaction** within the theory of **utilitarianism** by moral philosophers such as **Jeremy Bentham** and **John Stuart Mill**.

Utilitarianism is a family of consequentialist ethical theories that promotes actions that maximize happiness and well-being for the majority of a population.

Although different varieties of utilitarianism admit different characterizations, the basic idea behind all of them is to in some sense maximize utility, which is often defined in terms of well-being or related concepts. For instance, Jeremy Bentham, the founder of utilitarianism, described utility as that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness...[or] to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered.

UTILITARIANISM: UNIVERSALISTIC ETHICAL HEDONISM

Utilitarianism is the universalistic form of Ethical Hedonism (where Hedonism argues that pleasure is the highest good and the supreme ideal of life) **Utilitarianism maintains that the supreme ideal of life is pleasure - not the individual pleasure but universal or general happiness**. The slogan of Utilitarianism is, "**The greatest happiness of the greatest number**".

Utilitarianism is a version of consequentialism, which states that the consequences of any action are the only standard of right and wrong. Unlike other forms of consequentialism, such as egoism and altruism, utilitarianism considers the interests of all beings equally.

Proponents of utilitarianism have disagreed on a number of points, such as whether actions should be chosen based on their likely results (act utilitarianism) or whether agents should conform to rules that maximize

utility (rule utilitarianism). There is also disagreement as to whether total (total utilitarianism), average (average utilitarianism) or minimum utility should be maximized.

Though the seeds of the theory can be found in the hedonists Aristippus and Epicurus, who viewed happiness as the only good, the tradition of utilitarianism properly began with **Bentham**, and has included **John Stuart Mill, Henry Sidgwick, R. M. Hare, David Braybrooke**, and **Peter Singer**. It has been applied to social welfare economics, the crisis of global poverty, the ethics of raising animals for food and the importance of avoiding existential risks to humanity.

The most important classical utilitarians are Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873). Bentham and Mill were both important theorists and social reformers. Their theory has had a major impact both on philosophical work in moral theory and on approaches to economic, political, and social policy. Although utilitarianism has always had many critics, there are many 21st century thinkers that support it.

JEREMY BENTHAM'S UTILITARIANISM

Jeremy Bentham, jurist and political reformer, is the philosopher whose name is most closely associated with the foundational era of the modern utilitarian tradition. Earlier moralists had enunciated several of the core ideas and characteristic terminology of utilitarian philosophy, most notably John Gay, Francis Hutcheson, David Hume, Claude-Adrien Helvétius and Cesare Beccaria, but it was Bentham who rendered the theory in its recognisably secular and systematic form and made it a critical tool of moral and legal philosophy and political and social improvement.

In 1776, he first announced himself to the world as a proponent of utility as the guiding principle of conduct and law in *A Fragment on Government*. In *An Introduction to the Principles of Morals and Legislation* (printed 1780, published 1789), as a preliminary to developing a theory of penal law he detailed the basic elements of classical utilitarian theory.

Jeremy Bentham saw human behaviour as hedonistic. He explained that human beings are naturally motivated by pleasure and pain. All rational beings like to pursue what is pleasurable and try to avoid what is painful. Hence the rightness or wrongness of an action depends on how much pleasure and pain it causes, and to how many people get affected by such pain or pleasure.

Bentham devised the **Hedonic Calculus** to calculate pleasure and pain. Based on this calculus one can weigh-out the pleasure and pain of flowing from an action in a given situation by focusing on seven things.

- **Its intensity: How strong it is?**
- **Its duration: How long it is?**
- **Its certainty: How likely it could be?**
- **Its propinquity: When it could arrive?**
- **Its fecundity: If it could cause further pleasure?**
- **Its purity: How free from pain it is?**
- **Its extent: How many people are affected?**

By looking at all of this we can find the right action that we should choose under any given circumstance. The idea is to promote the most pleasure to the most people. **Jeremy Bentham view is known as act utilitarianism.** Each action that we take should promote the good of the greatest number. These are the right actions to take in life.

Bentham believes that all pleasures are alike. Pleasures do not have qualitative differences. Pleasures have only quantitative differences i.e. they are more or they are less. Bentham argues that the quantity of pleasure remaining the same, pushpin (a game) is as good as poetry i.e. there is no qualitative difference between the two). **Hence Benthamite utilitarianism is often called as quantitative utilitarianism.**

This works very well in solving moral dilemmas. Let us assume that you are on a boat and you see two people drowning in one area of the sea and one person drowning in another. You don't have time to reach both places but you can reach any one of them. Which one will you choose? Utilitarianism would say that you should reach to the area of the sea where two people are drowning. As per utilitarianism that is the most suitable action because morality is based on consequences and we should always choose those actions that bring maximum pleasure to the maximum people.

Opponents of Utilitarianism argue that Utilitarianism justifies all actions that bring greatest good for the greatest number and such actions might not take care of the minority. Further for utilitarianists' a good action is one which brings pleasure and eliminates pain hence utilitarianists can even defend a grossly immoral act if it brings maximum pleasure to maximum people. So for any utilitarian even the most violent action is moral if it brings

the greatest good for the greatest number. Also the Hedonic calculus is not very practical under exigent or emergent circumstances as all consequences cannot be apprehended beforehand all the time. In simple words when you have to make quick moral choices you may not have the time to weigh-out all the pleasures and pains of all the people involved and use the hedonic calculus. So act utilitarianism seems more impractical than practical.

JOHN STUART MILL'S UTILITARIANISM

A generation later, utilitarianism found its most effective exponent in **John Stuart Mill**. Raised by his father, the philosopher **James Mill**, on strictly **Benthamite principles**, Mill devoted his life to the defence and promotion of the general welfare. With the help his long-time companion **Harriet Taylor**, Mill became a powerful champion of lofty moral and social ideals.

Educated by his father James Mill who was a close friend to Jeremy Bentham, John Stuart Mill came in contact with utilitarian thought at a very early stage of his life. In his Autobiography he claims to have introduced the word "utilitarian" into the English language when he was sixteen. Mill remained a utilitarian throughout his life.

Mill's Utilitarianism (1861) is an extended explanation of utilitarian moral theory. In an effort to respond to criticisms of the doctrine, Mill not only argued in favor of the basic principles of Jeremy Bentham but also offered several significant improvements to its structure, meaning, and application.

Mill fully accepted **Bentham's devotion to greatest happiness principle** as the basic statement of utilitarian value:

"... actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. Happiness is intended pleasure, and the absence of pain; unhappiness, pain, and the privation of pleasure."

John Stuart Mill's version of utilitarianism is known as Rule-Utilitarianism. Albeit, like Bentham, he advocated that the moral thing to do is to promote the greatest good of the greatest number, he stressed that there should be some basic rules in place for us to better achieve this goal. Mill believed that the aim of Utilitarianism is to promote happiness for maximum people and in order to promote happiness we must maximise pleasure and eliminate pain for the greatest number of people.

But he did not agree that all differences among pleasures can be quantified. On Mill's view, some kinds of pleasure experienced by human beings also differ from each other in qualitative ways, and only those who have experienced pleasure of both sorts are competent judges of their relative quality. This establishes the moral worth of promoting higher (largely intellectual) pleasures among sentient beings even when their momentary intensity may be less than that of alternative lower (largely bodily) pleasures.

Mill argued that:

"It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied"

Even so, Mill granted that the positive achievement of happiness is often difficult, so that we are often justified morally in seeking primarily to reduce the total amount of pain experienced by sentient beings affected by our actions. Pain—or even the sacrifice of pleasure—is warranted on Mill's view only when it results directly in the greater good of all.

Against those who argue that the utilitarian theory unreasonably demands of individual agents that they devote their primary energies to the cold-hearted and interminable calculation of anticipated effects of their actions, Mill offered a significant qualification. Precisely because we do not have the time to calculate accurately in every instance, he supposed, we properly allow our actions to be guided by moral rules most of the time. Partly anticipating the later distinction between act and rule utilitarianism, Mill pointed out that secondary moral principles at the very least perform an important service by providing ample guidance for every-day moral life. Finally, however, he emphasized that the value of each particular action—especially in difficult or controversial cases—is to be determined by reference to the principle of utility itself.

Rule consequentialism teaches:

- Whether acts are good or bad depends on moral rules
- Moral rules are chosen solely on the basis of their consequences
- So when an individual has a moral choice to make they can ask themselves if there's an appropriate rule to apply and then apply it.
- The rules that should be adopted are the rules that would produce the best results if they were adopted by most people.

Philosophers express this with greater precision:

“An act is right, if and only if it results from the internalisation of a set of rules that would maximize good if the overwhelming majority of agents internalised this set of rules.”

However it must be noted here that Act-consequentialism seems more flexible than Rule-Consequentialism.

NEGATIVE CONSEQUENTIALISM (UTILITARIANISM CONNECTION)

Negative consequentialism is the inverse of ordinary consequentialism. Good actions are the ones that produce the least harm. A person should choose the act that does the least amount of harm to the greatest number of people.

PREFERENCE UTILITARIANISM

Preference Utilitarianism claims we should not be concerned about maximising pleasure as act-utilitarianism and rule-utilitarianism did. Instead utilitarianism should take into account the preference of all individuals. Moral actions must be based on maximising the chance that everyone's preferences are satisfied. However critics argue that it is difficult to assess all the preferences held by all the people every time under all moral situations. This becomes more impractical and difficult when we need to think quickly. Further it is very difficult to measure what is in someone's interest or what is in someone's preference because usually people's preferences are based on pleasure and pain and if we link preferences to pleasure and pain we run into the same problems that act and rule utilitarianism faces.

ARGUMENTS AGAINST CONSEQUENTIALISM

Consequentialism has both practical and philosophical problems:

Future consequences are difficult to predict

It's hard to predict the future consequences of an act in almost every case the most we can do is predict the probability of certain consequences following an act and since my behaviour is based on my assessment of the consequences, should the rightness or wrongness of an act be assessed on what I thought was going to happen or what actually happened?

Measuring and comparing the 'goodness' of consequences is very difficult

- People don't agree on what should be assessed in calculating good consequences is it happiness, pleasure, satisfaction of desire or something else?
- It's hard to measure and compare the 'goodness' of those consequences how, for example, do you measure happiness?
- How do you compare a large quantity of happiness that lasts for a few minutes with a gentle satisfaction that lasts for years?
- How do you measure any 'subjective' quality?
- Choosing different time periods may produce different consequences for example, using cheap energy may produce good short-term economic results, but in the long-term it may produce bad results for global climate

It is easy to bias in favour of particular groups

- choosing different groups of people may produce different consequences an act that produces a good result for group X may at the same time produce a bad result for group Y, or for society in general so the ethical choices people make are likely to be different according to which group they use for their moral calculations
- the most common solution to this problem is to look at the consequences for a large group such as 'society in general'
- alternatively, ethicists can try to look at things from the standpoint of an 'ideal', fully informed and totally neutral observer

It ignores things we regard as ethically relevant

- results-based ethics is only interested in the consequences of an act the intentions of the person doing the act are irrelevant
- so an act with good results done by someone who intended harm is as good as if it was done by someone who intended to do good
- the past actions of the person doing the act are irrelevant
- the character of the person doing the act is irrelevant
- the fairness of the consequences are not directly relevant

And these are things that many think are relevant to ethical judgements.

However, in support of consequentialism it might be argued that many of the things listed above *do* influence the good or bad consequences of an act, particularly when formulating ethical rules, and so they become incorporated in consequentialist ethical thinking; but only through the back door, not directly.

It doesn't take account of the 'fairness' of the result



We cannot predict every outcome of an event

- Simple forms of consequentialism say that the best action is the one that produces the largest total of happiness.
- This ignores the way in which that happiness is shared out and so would seem to approve of acts that make most people happy, and a few people very unhappy, or that make a few people ecstatically happy and leave the majority at best neutral.
- It also detracts from the value of individuals and their own interests and projects, other than when those are in line with the interests of the group.

It can be inconsistent with human rights

Consider this situation:

- A billionaire needs an organ transplant. He says that if he is given the next suitable organ he will fund 1000 Heart-replacements a year for 10 years. Giving him the next available organ means Mr. X, who was top of the list, will die - but it also means that thousands of people will be very happy with their new hearts.
- Consequentialism might be used to argue that Mr. X's human rights (and his and his family's happiness) should be ignored, in order to increase the overall amount of human well-being.

TELEOLOGICAL vs DEONTOLOGICAL ETHICAL THOUGHT

When examining various normative theories, a distinction is often made between deontological and teleological perspectives. **Deontology** (from the Greek *deon*, meaning «duty») refers to an ethical theory or perspective based on duty or obligation. A deontological, or duty-based, theory is one in which specific moral duties or obligations are seen as self-evident, having intrinsic value in and of themselves and needing no further justification. Moral actions are evaluated on the basis of inherent rightness or wrongness rather than goodness or a primary consideration of consequences. Holmes (1993) distinguishes between strong deontological theories, in which goodness is irrelevant to the rightness of an act, and weak deontological theories, in which goodness is relevant but not the primary determinant of moral rightness. **Kantianism, divine command theory and some rights-based theories are generally categorized as deontological theories.**

In contrast, **teleology** (from the Greek *telos*, meaning goal or end) describes an ethical perspective that contends the rightness or wrongness of actions is based solely on the goodness or badness of their consequences. In a strict teleological interpretation, actions are morally neutral when considered apart from their consequences. Ethical egoism and utilitarianism are examples of teleological theories.

While these descriptions appear to draw a clear distinction between theoretical perspectives, the two categories are not mutually exclusive. Alternatively, the terms consequentialist and non-consequentialist are sometimes used. Some rights-based theories and theories of justice are consequentialist in their concern for outcomes while also claiming the inherent rightness of obligations related to human rights and justice. Likewise, virtue ethics and formulations of natural law both seek goals of human happiness and fulfillment, but in relation to deontological assumptions about human character and/or rationally derived obligations.

DEONTOLOGICAL THEORIES

The term "deontology" derives from the Greek "**deon**" meaning "**obligation**" or "**duty**", and "**logos**" meaning "speaking" or "study", and was **first used** in this way in 1930, in the book "**Five Types of Ethical Theory**" by **C. D. Broad** (1887 - 1971).

Deontology (or **Deontological Ethics**) is an approach to **Ethics** that focuses on the **rightness** or **wrongness** of **actions themselves**, as opposed to the rightness or wrongness of the **consequences** of those actions (**Consequentialism**) or to the **character** and habits of the actor (**Virtue Ethics**). Therefore it is sometimes described as “**duty-based**” or “**obligation-based**” ethics, because **Deontologists** believe that **ethical rules bind people to their duty**.

Thus, to a Deontologist what makes a choice “**right**” is its conformity with a **moral norm**: Right takes **priority** over Good. For **example**, if someone proposed to kill everyone currently living on land that could not support agriculture in order to bring about a world without starvation, a Deontologist would argue that this world without starvation was a **bad state of affairs** because of the way in which it was brought about. A **Consequentialist** would (or could) argue that the final state of affairs **justified** the drastic action. A **Virtue Ethicist** would concern himself with **neither**, but would look at whether the perpetrator acted in accordance with **worthy virtues**.

Deontology **may** sometimes be consistent with **Moral Absolutism** (the belief that some actions are wrong **no matter what consequences** follow from them), but **not necessarily**. For instance, **Immanuel Kant** famously argued that it is **always** wrong to lie. But others, such as **W.D. Ross** (1877 - 1971), hold that the consequences of an action such as lying may **sometimes** make lying the right thing to do (**Moral Relativism**).

The most familiar forms of deontology hold that some choices cannot be justified by their effects—that no matter how morally good their consequences, some choices are morally forbidden. On such familiar deontological accounts of morality, agents cannot make certain wrongful choices even if by doing so the number of those exact kinds of wrongful choices will be minimized (because other agents will be prevented from engaging in similar wrongful choices).

For deontologists, what makes a choice right is its conformity with a moral norm. Such norms are to be simply obeyed by each moral agent. In this sense, for such deontologists, the **Right is said to have priority over the Good. If an act is not in accord with the Right, it may not be undertaken, no matter the Good that it might produce.** Analogously, deontologists typically supplement non-consequentialist obligations with non-consequentialist permissions. That is, certain actions can be right even though not maximizing of good consequences, for the rightness of such actions consists

in their instantiating certain norms (here, of permission and not of obligation). Such actions are permitted, not just in the weak sense that there is no obligation not to do them, but also in the strong sense that one is permitted to do them even though they are productive of less good consequences than their alternatives. Such strongly permitted actions include actions one is obligated to do, but (importantly) also included are actions one is not obligated to do. It is this last feature of such actions that warrants their separate mention for deontologists.

A common way to distinguish between various deontological theories of ethics is to separate **Agent-Centered Deontological Theories**, and **Patient Centered Deontological Theories**. **Agent Centered Theories focus on the duties and obligations of agents. Patient Centered Theories, on the other hand, focus on the rights of the individuals.**

AGENT-CENTERED DEONTOLOGICAL THEORIES

According to agent-centered theories, we each have both permissions and obligations that give us agent-relative reasons for action. An agent-relative reason is an objective reason, just as are agent-neutral reasons; neither is to be confused with the subjective reasons that form the nerve of psychological explanations of human action.

Agent Centered theories prescribe duties that are agent relative. In other words different people may have different duties or obligations. A parent may have certain duties to their children that others do not. Patient Centered Theories try to be agent neutral, regardless of who you are, you have certain rights.

Agent Centered Theories are centered around agent-relative obligations (obligations for particular people) which might be contrasted with agent neutral obligations (obligations which apply to anyone). An obligation to keep promises that I make is an agent relative obligation. I do not have any obligation to keep promises that others make, but I have the obligation only with respect to my own promises. The obligations in these theories are focussed on specific obligations that agent possess. They include special obligations to one’s own friends, children, parents, country, promises, possessions, and so on, which others might not have.

Thus, an agent-relative obligation is an obligation for a particular agent to take or refrain from taking some action; and because it is agent-relative, the obligation does not necessarily give anyone else a rea-

son to support that action. Agent-centered theories and the agent-relative reasons on which they are based not only enjoin each of us to do or not to do certain things; they also instruct me to treat my friends, my family, my promises in certain ways because they are mine, even if by neglecting them I could do more for others' friends, families, and promises.

At the heart of agent-centered theories (with their agent-relative reasons) is the idea of agency. **The idea is that morality is intensely personal, in the sense that we are each enjoined to keep our own moral house in order. The obligation is to keep our own agency free of moral taint.**

The two categories of Agent Centered Deontological Theories are Intent focussed Theories and Action focussed theories. Intent Focussed Theories include obligations based on one's intent, thought and mental states. One acts with certain kinds of intentions. Action focussed theories on the other hand include obligations based on one's action, what one does. One must or one must not take certain actions. There is another group of theories which claim that the obligations we have depend upon both our actions and intentions when taking those actions. However all of these are focussed on the obligations that we have as the agent.

Intent Focused theories generally subscribe to the idea that you should not act with evil intentions. Note here the most important thing is the intent of the moral agent when committing an act. Attempting to kill someone and failing is generally wrong, but accidentally killing someone when you did not intend to is not necessarily wrong. However, we need to prohibit situations where you intend for something bad to happen while allowing for situations where bad effects may be foreseen, but they are neither intended nor used as a means to create good effects. The solution used by many such theories is the **Doctrine of Double Effect**.

The **Doctrine of Double Effect** is generally associated with **St. Thomas Aquinas**, it states that you may intend an action with both good and bad effects if several conditions are satisfied: the act itself is not inherently bad, the intent of the agent is to produce the good effect not the bad one, the bad effect cannot cause the good (they must both be caused by the action), and the good effect must be proportionately much more significant than the bad one.

Action based theories require three things, the act, the will and a causal link between the act and the will. So, if it is wrong to torture someone, in order to break

this maxim someone must be tortured (the act), someone must choose to take a particular action (the will), and it must be that action which causes someone to be tortured (the causal link).

PATIENT-CENTERED DEONTOLOGICAL THEORIES

Just as agent centered theories of deontology were focussed on agent relative reasons, which are specific to each agent, patient-centered deontology, is often expressed as focusing on **agent-neutral reasons**, or rights, which everyone has. **These theories are rights-based rather than duty-based.** All patient-centered deontological theories are properly characterized as theories premised on people's rights.

Instead of saying that it is permissible for a particular agent to murder someone, patient centered theories might claim that everyone has the right not to be murdered. While agent centered theories focus on the obligations of the actors in situations, patient centered theories focus on the rights of those affected, or the victims.

Within these theories we may distinguish between core rights and discrete rights. Core rights are general rights from which other rights are derived (such as the right not to be used as a means to an end) while discrete rights are those specific rights which are either explicitly stated or derived themselves from more general core rights (such as having a right to not be tortured)

There are a wide range of theories which could be counted as patient centered theories of ethics. They particularly vary on how they frame these rights. A particular area of controversy is known as the **Paradox of Deontology** which deals with competing rights.

KANTIAN ETHICS AND CATEGORICAL IMPERATIVE

Modern deontological ethics was introduced by **Immanuel Kant** in the late 18th Century, with his theory of the **Categorical Imperative**.

Kant, unlike Mill, believed that certain types of actions (including murder, theft, and lying) were absolutely prohibited, even in cases where the action would bring about more happiness than the alternative. For Kantians, there are two questions that we must ask ourselves whenever we decide to act: (i) Can I rationally will that everyone act as I propose to act? If the answer is no, then we must not perform the action. (ii) Does my action respect the goals of human beings rather than merely using them for my own purposes? Again, if the answer is no, then we must

not perform the action. (Kant believed that these questions were equivalent).

Kant's theory is an example of a deontological moral theory—according to these theories, the rightness or wrongness of actions does not depend on their consequences but on whether they fulfill our duty. Kant believed that there was a supreme principle of morality, and he referred to it as The Categorical Imperative. The Categorical Imperative determines what our moral duties are.

Morality and imperatives

An imperative is a command. So, "Pay your taxes!" is an imperative, as are "Stop kicking the football!" and "Don't kill animals!" There are two types of imperatives

- **Hypothetical Imperatives:** these imperatives command conditionally on your having a relevant desire. E.g. "If you want to go to medical school, study biology in college." If you don't want to go to medical school, this command doesn't apply to you. Another example could be, suppose your father says, "If you are hungry, then go eat something!" - If you aren't hungry, then you are free to ignore the command.
- **Categorical Imperatives:** These imperatives command unconditionally. E.g. "**Don't cheat in your exam.**" Even if you want to cheat and doing so would serve your interests, you may not cheat.

According to Kant morality must be based on the categorical imperative because morality is such that you are commanded by it, and is such that you cannot opt out of it or claim that it does not apply to you. The categorical imperative is the central philosophical concept in the deontological moral philosophy of Immanuel Kant.

How does the categorical imperative work?

The categorical imperative has three different formulations. That is to say, there are three different ways of saying what it is. Kant claims that all three do in fact say the same thing, but it is currently disputed whether this is true. The second formulation is the easiest to understand, but the first one is most clearly a categorical imperative. Here is the first formulation.

1) The First Formulation: Formula of Universality and the Law of Nature

Act only according to that maxim whereby you can at the same time will that it should become a universal law.

Immanuel Kant

What is a maxim? A maxim is the rule or principle on which you act. For example, I might make it my maxim to give at least as much to charity each year as I spend on eating out, or I might make it my maxim only to do what will benefit some member of my family.

Basic idea: The command states, crudely, that you are not allowed to do anything yourself that you would not be willing to allow everyone else to do as well. You are not allowed to make exceptions for yourself. For example, if you expect other people to keep their promises, then you are obligated to keep your own promises.

More accurately, it commands that every maxim you act on must be such that you are willing to make it the case that everyone always act on that maxim when in a similar situation. For example, if I wanted to lie to get something I wanted, I would have to be willing to make it the case that everyone always lied to get what they wanted - but if this were to happen no one would ever believe you, so the lie would not work and you would not get what you wanted. So, if you willed that such a maxim (of lying) should become a universal law, then you would thwart your goal - thus, it is impermissible to lie, according to the categorical imperative. It is impermissible because the only way to lie is to make an exception for yourself.

According to his reasoning, we first have a perfect duty not to act by maxims that result in logical contradictions when we attempt to universalize them. The moral proposition A: "It is permissible to steal" would result in a contradiction upon universalisation. The notion of stealing presupposes the existence of private property, but were A universalized, then there could be no private property, and so the proposition has logically negated itself.

2) The Second Formulation: The Formula of Humanity

Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end.

Immanuel Kant

Every rational action must set before itself not only a principle, but also an end. Most ends are of a subjective kind, because they need only be pursued if they are in line with some particular hypothetical imperative that a person may choose to adopt. For an end to be objective, it would be necessary that we categorically pursue it.

The free will is the source of all rational action. But to treat it as a subjective end is to deny the possibility of

freedom in general. Because the autonomous will is the one and only source of moral action, it would contradict the first formulation to claim that a person is merely a means to some other end, rather than always an end in themselves.

On this basis, Kant derives the second formulation of the categorical imperative from the first.

By combining this formulation with the first, we learn that a person has perfect duty not to use the humanity of themselves or others merely as a means to some other end. As a slave owner would be effectively asserting a moral right to own a person as a slave, they would be asserting a property right in another person. This would violate the categorical imperative, because it denies the basis for there to be free rational action at all; it denies the status of a person as an end in themselves. One cannot, on Kant's account, ever suppose a right to treat another person as a mere means to an end. In the case of a slave owner, the slaves are being used to cultivate the owner's fields (the slaves acting as the means) to ensure a sufficient harvest (the end goal of the owner).

The second formulation also leads to the imperfect duty to further the ends of ourselves and others. If any person desires perfection in themselves or others, it would be their moral duty to seek that end for all people equally.

3) The Third Formulation: The Formula of Autonomy

Thus the third practical principle follows [from the first two] as the ultimate condition of their harmony with practical reason: the idea of the will of every rational being as a universally legislating will.

Immanuel Kant

Kant claims that the first formulation lays out the objective conditions on the categorical imperative: that it be universal in form and thus capable of becoming a law of nature. Likewise, the second formulation lays out subjective conditions: that there be certain ends in themselves, namely rational beings as such.

This leads to the concept of self-legislation. Each subject must through his own use of reason will maxims which have the form of universality, but do not impinge on the freedom of others: thus each subject must will maxims that could be universally self-legislated.

After introducing this third formulation, Kant introduces a distinction between autonomy (literally: self-law-giving) and heteronomy (literally: other-law-giving). This

third formulation makes it clear that the categorical imperative requires autonomy. It is not enough that the right conduct be followed, but that one also demands that conduct of oneself.

The Kingdom of Ends

Act according to maxims of a universally legislating member of a merely possible kingdom of ends. **Immanuel Kant**

Because a truly autonomous will would not be subjugated to any interest, it would only be subject to those laws it makes for itself—but it must also regard those laws as if they would be bound to others, or they would not be universalizable, and hence they would not be laws of conduct at all. Thus Kant presents the notion of the hypothetical Kingdom of Ends of which he suggests all people should consider themselves never solely as means but always as ends. We ought to act only by maxims that would harmonize with a possible kingdom of ends.

Kant argues that a person is good or bad depending on the motivation of their actions and not on the goodness of the consequences of those actions. By "motivation" I mean what caused you to do the action (i.e., your reason for doing it). Kant argues that one can have moral worth (i.e., be a good person) only if one is motivated by morality. In other words, if a person's emotions or desires cause them to do something, then that action cannot give them moral worth. This may sound odd, but there is good reason to agree with Kant.

Why motivation is what matters: Imagine that I win the lottery and I'm wondering what to do with the money. I look around for what would be the most fun to do with it: buy a yacht, travel in first class around the world, get that knee operation, etc. I decide that what would be really fun is to give the money to charity and to enjoy that special feeling you get from making people happy, so I give all my lottery money away. According to Kant, I am not a morally worthy person because I did this, after all I just did whatever I thought would be the most fun and there is nothing admirable about such a selfish pursuit. It was just lucky for those charities that I thought giving away money was fun. Moral worth only comes when you do something because you know that it is your duty and you would do it regardless of whether you liked it.

Why consequences don't matter: A reason why Kant is not concerned with consequences can be seen in the following example. Imagine two people out together drinking at a bar late one night, and each of them decides to drive home very drunk. They drive in different directions through the middle of nowhere. One of them encounters no one on the road, and so gets home without incident regardless of totally reckless driving. The other drunk is not so lucky and encounters someone walking at night, and kills the pedestrian with the car. Kant would argue that based on these actions both drunks are equally bad, and the fact that one person got lucky does not make them any better than the other drunk. After all, they both made the same choices, and nothing within either one's control had anything to do with the difference in their actions. The same reasoning applies to people who act for the right reasons. If both people act for the right reasons, then both are morally worthy, even if the actions of one of them happen to lead to bad consequences by bad luck.

The wrong interpretation: Consider the case described above about the lottery winner giving to charity. Imagine that he gives to a charity and he intends to save hundreds of starving children in a remote village. The food arrives in the village but a group of rebels finds out that they have food, and they come to steal the food and end up killing all the children in the village and the adults too. The intended consequence of feeding starving children was good, and the actual consequences were bad. Kant is not saying that we should look at the intended consequences in order to make a moral evaluation. Kant is claiming that regardless of intended or actual consequences, moral worth is properly assessed by looking at the motivation of the action, which may be selfish even if the intended consequences are good.

Kant does not forbid happiness: A careful reader may notice that in the example above one of the selfish person's intended consequences is to make himself happy, and so it might seem to be that intended consequences do matter. One might think Kant is claiming that if one of my intentions is to make myself happy, that my action is not worthy. This is a mistake. The consequence of making myself happy is a good consequence, even according to Kant. Kant clearly thinks that people being happy is a good thing.

There is nothing wrong with doing something with an intended consequence of making yourself happy, that is not selfishness. You can get moral worth doing things that you enjoy, but the reason you are doing them can-

not be that you enjoy them, the reason must be that they are required by duty. Also, there is a tendency to think that Kant says it is always wrong to do something that just causes your own happiness, like buying an ice cream cone. This is not the case. Kant thinks that you ought to do things to make yourself happy as long as you make sure that they are not immoral (i.e., contrary to duty), and that you would refrain from doing them if they were immoral. Getting ice cream is not immoral, and so you can go ahead and do it. Doing it will not make you a morally worthy person, but it won't make you a bad person either. Many actions which are permissible but not required by duty are neutral in this way.

According to Kant a good person is someone who always does their duty because it is their duty. It is fine if they enjoy doing it, but it must be the case that they would do it even if they did not enjoy it. The overall theme is that to be a good person you must be good for goodness sake.

A Problem for Kant's Theory: James Rachels

Kant's view is that lying is always wrong. His argument for this is summarized by James Rachels as follows:

- We should do only those actions that conform to rules that we could will be adopted universally.
- If we were to lie, we would be following the rule "It is permissible to lie."
- This rule could not be adopted universally, because it would be self-defeating: people would stop believing one another, and then it would do no good to lie.
- Therefore, we should not lie.

The problem with this argument is that we can lie without simply following the rule "It is permissible to lie." Instead, we might be following a rule that pertains only to specific circumstances, like "It is permissible to lie when doing so will save a life." This rule can be made a universal law without contradiction. After all, it is not as though people would stop believing each other simply because it is known that people lie when doing so will save lives. For one thing, that situation rarely comes up—people could still be telling the truth almost all of the time. Even the taking of human life could be justified under certain circumstances. Take self-defense, for example. There appears to be nothing problematic with the rule "It is permissible to kill when doing so is the only available means of defense against an attacker".

It is not necessary to interpret Kant's theory as prohibiting lying in all circumstances (as Kant did). Maxims (and the universal laws that result from them) can be specified in a way that reflects all of the relevant features of the situation. Consider the case of the Inquiring Murderer. Suppose that you are in that situation and you lie to the murderer. Instead of understanding the universalized maxim as "Everyone Always lies" we can understand it as "Everyone always lies in order to protect innocents from stalkers". This maxim seems to pass the test of the categorical imperative. Unfortunately, complicated maxims make Kant's theory becomes more difficult to understand and apply.

CRITICISM OF DEONTOLOGY

Robert Nozick (1938 - 2002) famously points out what has become known as the **Paradox of Deontology**, that Deontology forbids some acts that **maximize welfare overall**. The example usually used is that of a trolley hurtling towards five innocent and immobile people at the end of a track, where the only way to stop the trolley and save the five is to throw one innocent bystander in front of the trolley. The **Principle of Permissible Harm** in Deontology rules out deliberately throwing a person in front of the trolley, but the **consequence** of that is that five innocent by-standers die (which **also** contravenes the Principle of Permissible Harm).

Utilitarians like Jeremy Bentham have criticized Deontology on the grounds that it is essentially a dressed-up version of **popular morality**, and that the **objective** and **unchanging** principles that deontologists attribute to natural law or universal reason are really just a matter of **subjective opinion**.

John Stuart Mill, another 19th Century Utilitarian, argued that deontologists usually fail to specify which principles should take **priority** when rights and duties **conflict**, so that Deontology cannot offer **complete** moral guidance. Mill also criticized Kant's claims for his Categorical Imperative, arguing that it is really just another way of saying that the **ends justify the means**, which is essentially a consequentialist argument.

Some critics have attempted to show that **constraints** (e.g. the requirement not to murder, for example) are **invariably immoral**, but then to show that **options** (e.g. the right not to give money to charity) without constraints are **also** immoral.

PLURALISTIC DEONTOLOGY

Pluralistic Deontology is a description of the deontological ethics propounded by **W.D. Ross** (1877 - 1971). He argues that there are **seven prima facie duties** which need to be taken into **consideration** when deciding which duty should be acted upon:

- Duty of **beneficence** (to help other people to increase their pleasure, improve their character, etc).
- Duty of **non-maleficence** (to avoid harming other people).
- Duty of **justice** (to ensure people get what they deserve).
- Duty of **self-improvement** (to improve ourselves).
- Duty of **reparation** (to recompense someone if you have acted wrongly towards them).
- Duty of **gratitude** (to benefit people who have benefited us).
- Duty of **promise-keeping** (to act according to explicit and implicit promises, including the implicit promise to tell the truth).

In some circumstances, there may be **clashes** or **conflicts** between these duties and a decision must be made whereby one duty may "**trump**" another, although there are no hard and fast rules and no **fixed order** of significance.

ROSSIAN DUTY-BASED ETHICS

Kantian ethics seems pretty uncompromising and not really suited to the untidiness of many moral choices that people have to make. The 20th Century philosopher W. D. Ross [Sir David Ross] (1877-1971) suggested that it would be helpful to look at two kinds of duty:

- Prima facie duties
- Actual duties

Prima facie duties

- They are self-evident and obvious duties (*prima facie* is a Latin expression meaning <on first appearances> or <by first instance>)
- They can be known to be correct if a person thinks about them and understands them:

“When we have reached sufficient mental maturity and have given sufficient attention to the proposition it is evident without any need of proof, or of evidence beyond itself.”

W D Ross, *the Right and the Good*, 1930

- They should be promoted, “all things considered”
- They can be outweighed by other prima facie duties.

Actual duties

This is the duty people are left with after they have weighed up all the conflicting prima facie duties that apply in a particular case:

“The ground of the actual rightness of the act is that, of all acts possible in the circumstances, it is that whose prima facie rightness in the respects in which it is prima facie right most outweighs its prima facie wrongness in any respects in which it is prima facie wrong.”

W D Ross, *the Right and the Good*, 1930

Ross listed seven prima facie duties:

- Fidelity
- Reparation
- Gratitude
- Justice
- Beneficence
- Self-improvement
- Non-maleficence (avoiding actions that do harm)

Calling these ‘duties’ may be a bit misleading, as they are not so much duties as “features that give us genuine (not merely apparent) moral reason to do certain actions”. Ross later described prima facie duties as “responsibilities to ourselves and to others” and he went on to say that “what we should do (our duty proper [our actual duty]) is determined by the balance of these responsibilities.”

Problems with the Rossian approach

Ross’s idea still leaves some problems:

- How can we tell which prima facie duties are involved in a particular case?
- How can we compare and rank them in order to arrive at a balance which will guide us as to our actual duty?

Ross thought that people could solve those problems by relying on their intuitions.

NATURAL RIGHTS THEORY

Natural Rights Theory holds that humans have **absolute natural rights** (in the sense of **universal** rights that are **inherent** in the nature of ethics and **not contingent** on human **actions** or **beliefs**). The theory, espoused by [Thomas Hobbes](#) and [John Locke](#) among others, originates with the concept of **natural justice** or natural right.

The development of this tradition of natural justice into one of **natural law** is usually attributed to the [Stoics](#). After the incorporation of the pagan concept of natural law into **Christianity** by [St. Thomas Aquinas](#), it was **Hugo Grotius** (1583 - 1645), with his philosophy of **international law**, who finally freed it from dependence on **theology**, and allowed its development into what we now refer to as **human rights**.

CONTRACTARIANISM AND CONTRACTARIAN ETHICS

Contractarian Ethics (or the **Moral Theory of Contractarianism**) claims that **moral norms** derive their **normative force** from the idea of **contract** or **mutual agreement**. It holds that moral acts are those that we would **all** agree to if we were **unbiased**, and that moral rules themselves are a sort of a **contract**, and therefore only people who understand and agree to the terms of the contract are **bound** by it. The theory stems initially from political [Contractarianism](#) and the principle of **social contract** developed by [Thomas Hobbes](#), [Jean-Jacques Rousseau](#) and [John Locke](#), which essentially holds that people **give up** some rights to a government and/or other authority in order to receive, or jointly preserve, **social order**.

Social Contract

Social contract is the idea that the people **give up** some rights to a government and/or other authority in order to receive, or jointly preserve, **social order**. Social contract theory provides the **rationale** behind the historically important notion that **legitimate state authority** must be derived from the **consent of the governed**, where the **form** and **content** of this consent derives from the idea of **contract** or **mutual agreement**.

Contractarianism suggests that people are primarily **self-interested**, and that a **rational assessment** of the best strategy for attaining the **maximization** of their self-interest will lead them to act **morally** and to consent to **governmental authority**.

Plato in his Socratic dialogue *“Crito”* first pointed out that members within a society **implicitly** agree to the **terms** of a kind of social contract by their choice to **stay within the society**. **Epicurus** had also explicitly endorsed the idea that **justice** comes from a joint **agreement** not to harm each other.

But it was **Thomas Hobbes** who took the theory forward in a more explicit way. He argued that, in a primitive **unstructured** social order (a **“state of nature”**), individuals have **unlimited natural freedoms** and their words or actions are bound only by their **consciences**. However, this general autonomy also includes the freedom to **harm** all who threaten one's own **self-preservation** (and for others to harm in their own interests), and **Hobbes** was of the opinion that humans are by their very nature **nasty and mean**. It is therefore, he argued, in an individual's **rational self-interest** to voluntarily **subjugate** his freedom of action in order to obtain the **benefits** provided by the formation of **social structures** and **civil rights**.

So, individuals implicitly agree to a **social contract** with a state or authority in return for **protection** from harm and a more **functional** society. For **Hobbes**, however, as detailed in his *“Leviathan”* of 1657, it is important that this social contract involves an **absolute government** that does not rule by **consent** (effectively **Totalitarianism**), since in his view people **cannot be trusted**. The position of free individuals in a state of nature is presented by **Hobbes** as **so dire** (a life which is **«solitary, poor, nasty, brutish and short”**) that they are willing to contract to submit all except their actual lives to the will of a sovereign who thus exercises an almost **absolute political authority**.

John Locke developed the theory further, arguing that this contract is only **legitimate** to the extent that it meets the **general interest**. Therefore, when **failings** are found in the contract, we effectively **renegotiate** it to change the terms, using methods such as **elections** and **legislature**. Since **rights** come from agreeing to the contract and accepting **responsibility** for following its rules, then those who simply **choose not to** fulfill their contractual obligations (e.g. by committing crimes), deserve to **lose their rights**, and the rest of society can be expected to **protect itself** against them by the threat of **punishment**. In effect, society works by **“mutual coercion, mutually agreed upon”**. In the event of a contract leading to **tyranny** (the exercise of **prerogative power** to the detriment of the ends of the people), Locke saw the right of **rebellion** as a justifiable response. **Locke's** conception of the social contract was in the **individualist liber-**

al tradition, and was very influential in the development of classical **Liberalism** and modern democracy, and in the theoretical underpinnings of the **American Revolution** of 1775 - 1783.

Jean-Jacques Rousseau, in his 1762 treatise *“Du contrat social”* (*“The Social Contract”*), outlined a much less **individualist** (and much more **collectivist**) version of contract theory, based on the conception of **popular sovereignty** (the belief that the **legitimacy** of the state is created by the will or **consent of its people**, who are the **source** of all political power), and on his advocacy of **direct democracy**. He argued that, as an individual, the subject can be **egoist** and decide that his personal interest should override the collective interest. However, as part of a **collective body**, the individual subject puts aside his **Egoism** to create a **“general will”** (the persistence of equality and freedom in the society). **Rousseau** goes so far as to indicate that people who do not obey the general will must be **“forced to be free”**. **Rousseau's** version of the social contract is the one most often **associated** with the term «social contract» itself. His theories had a **strong influence** on both the 1789 **French Revolution** and the subsequent formation of the **Socialist** movement.

Pierre-Joseph Proudhon (1809 - 1865) advocated a conception of social contract which did **not** involve an individual **surrendering sovereignty** to others. He argued that the contract was not between **individuals** and the **state**, but rather between **individuals** themselves refraining from **coercing** or **governing** each other, while maintaining complete **individual sovereignty**, resulting in a non-aggressive, utopian state of **Anarchism**.

The most important **contemporary** political social contract theorist is **John Rawls** (1921 - 2002), who effectively **resurrected** social contract theory in the second half of the **20th Century**. In his *“A Theory of Justice”*, Rawls attempts to reconcile **liberty** and **equality** in a principled way, and he does so by appealing to the **old idea** of the social contract.

JOHN RAWLS: ‘THEORY OF ORIGINAL POSITION’ & ‘VEIL OF IGNORANCE’

John Rawls (1921-2002) was a Harvard philosopher best known for his *A Theory of Justice* (1971), which attempted to define a just society. Nearly every contemporary scholarly discussion of justice references *A Theory of Justice*.

The ‘Original Position’ and ‘Veil of Ignorance’

Reasonable people often disagree about how to live, but we need to structure society in a way that reasonable members of that society can accept. Citizens could try to collectively agree on basic rules. We needn't decide every detail: we might only worry about rules concerning major political and social institutions, like the legal system and economy, which form the 'basic structure' of society.

A collective agreement on the basic structure of society is an attractive ideal. But some people are more powerful than others: some may be wealthier, or part of a social majority. **If people can dominate negotiations because of qualities that are, as Rawls puts it, morally arbitrary, that is wrong. People don't earn these advantages: they get them by luck. For anyone to use these unearned advantages to their own benefit is unfair, and the source of many injustices.**

This inspires Rawls' central claim that we should conceive of justice 'as fairness.' To identify fairness, Rawls develops two important concepts: the original position and the veil of ignorance:

The original position is a hypothetical situation: Rawls asks what social rules and institutions people would agree to, not in an actual discussion, but under fair conditions, where nobody knows whether they are advantaged by luck. **Fairness is achieved through the veil of ignorance**, an imagined device where the people choosing the basic structure of society ('deliberators') have morally arbitrary features hidden from them: since they have no knowledge of these features, any decision they make can't be biased in their own favour.

Deliberators aren't ignorant about everything though. They know they are self-interested, i.e., want as much as possible of what Rawls calls primary goods (things we want, no matter what our ideal life looks like). They are also motivated by a **minimal 'sense of justice'**: they will abide by rules that seem fair, if others do too. They also know basic facts about science and human nature.

RAWLS'S PRINCIPLES OF JUSTICE

Rawls thinks a just society will conform to rules that everyone would agree to in the original position. Since they are deliberating behind the veil of ignorance, people don't know their personal circumstances, or even their view of the good life. This affects the kinds of outcomes they will endorse: e.g., it would be irrational for deliberators to agree to a society where only Christians have property rights since if, when the veil is 'lifted,' they turn out not to be Christian, that will negatively affect their

life prospects. Similarly, deliberators presumably won't choose a society with racist, sexist, or other unfairly discriminatory practices, since beyond the veil, they might end up on the wrong side of these policies.

This gives rise to Rawls' first principle of justice:

"All people have equal claims to as much freedom as is consistent with everyone else having the same level of freedom."

Rawls further claims that, because their ignorance includes an ignorance of probabilities, deliberators would be extremely cautious, and apply what he calls a '**maximin**' principle: they will aim to ensure that the worst possible position they could end up in is as good as possible in terms of primary goods.

If we imagine ourselves as deliberators, we might be tempted by the idea of total equality in primary goods. This ensures, at least, that nobody will be better off than you for arbitrary reasons. However, some inequality might be useful: the possibility of earning more might incentivize people to work harder, growing the economy and so increasing the total amount of available wealth.

This isn't a wholehearted endorsement of capitalism, as Rawls' second principle, which addresses social and economic inequalities, makes clear. **The second principle has two parts:**

First, people in the original position will tolerate inequalities only if the jobs that pay more aren't assigned unfairly. This gives us the ideal of fair equality of opportunity: inequalities are allowed only if they arise through jobs that equally talented people have equal opportunity to get. This requires, for instance, that young people receive roughly equal educational opportunities; otherwise, a talented individual might be held back by a lack of basic knowledge, either about their own talents, or about the world.

Second, since their reasoning is governed by the '**maximin**' principle, deliberators will only tolerate inequalities that benefit the worst off since, as far as they know, they might be the worst off; this maximizes the quality of their worst possible outcome. **This is called the difference principle.**

These principles are ordered, which tells us what to do if they clash: equal liberty is most important, then fair opportunity, and finally the difference principle. So, neither freedoms nor opportunity are governed by the difference principle.

CRITICISM OF CONTRACTARIANISM

David Hume was an early critic of the validity of social contract theory, arguing against any theory based on a **historical contract**, on the grounds that one should not be bound by the **consent** of one's **ancestors**. He also questioned to what extent the fall-back "**state of nature**" which underlies most social contract theory is actually **historically accurate**, or whether it is just a **hypothetical** or possible situation. Others have pointed out that, with an assumed **initial position** which is sufficiently dire (such as that posited by [Hobbes](#)), Contractarianism may lead to the legitimization of [Totalitarianism](#) (as [Hobbes](#) himself foresaw).

Some commentators have argued that a social contract of the type described cannot be considered a **legitimate contract** at all, on the grounds that the agreement is not fully **voluntary** or without coercion, because a government can and will use **force** against anyone who does not wish to enter into the contract. In [Rousseau's](#) conception of the social contract, even individuals who **disagree** with **elements** of the social contract must nevertheless agree to **abide** by it or risk **punishment** (they must be «forced to be free»).

It is argued that this idea of **force** negates the requirement that a contract be entered into **voluntarily** or at least to permit individuals to **abstain** from entering into a contract. In response, it has been countered that the name «contract» is perhaps misleading ("**social compact**" has been suggested as an alternative), and that anyway individuals explicitly **indicate their consent** simply by remaining in the jurisdiction. Either way, social contract theory does seem to be more in accordance with **contract law** in the time of [Hobbes](#) and [Locke](#) (based on a **mutual exchange of benefits**) than in our own.

Other critics have questioned the **assumption** that individuals are always self-interested, and that they would actually **want** the benefits of society supposedly offered by the contract. A further objection sometimes raised is that Contractarianism is more of a **descriptive** theory than a **normative** guide or a **justification**.

VIRTUE ETHICS

Virtue ethics is currently one of three major approaches in normative ethics. It may, initially, be identified as the one that emphasizes the virtues, or moral character, in contrast to the approach that emphasizes duties or rules (deontology) or that emphasizes the consequences of actions (consequentialism). Suppose it is obvious that someone in need should be helped. A utili-

tarian will point to the fact that the consequences of doing so will maximize well-being, a deontologist to the fact that, in doing so the agent will be acting in accordance with a moral rule such as "**Do unto others as you would be done by**" and a virtue ethicist to the fact that helping the person would be charitable or benevolent.

Virtues are good traits of character and vices are bad traits of character. Virtues as good traits of character can be and must be deliberately cultivated. They make for the survival and the well-being of the human individual and also that of the society. Good life or moral life is developed through the habitual or regular doing of good deeds or actions in changing situations.

Character and conduct' of a man are intimately related. Conduct of a man is the expression of his character in varied situations. On the contrary, moral character of a person is formed when he does good actions consistently and persistently. In this way, virtues can be cultivated and can be termed as character-values. Since virtues can be cultivated, they can also be described as the acquired dispositions of a virtuous person. Hence, virtues denote the excellence of human character, while vices are the defects of character. These virtues, in other words, refer to the inner traits of man's being. So they constitute the morality of being, while duty and good actions refer to the morality of doing.

Duties are obligatory actions. A man does his duty. Virtue refers to the moral quality of a person. We, therefore, correctly say that a particular person is virtuous if he possesses good qualities. Such a virtuous person is not only good but he also does good deeds. He does not take holidays from virtues. The existence of virtues in a person is inferred from the habitual good conduct of that person. **One has to choose to be virtuous and pursue the path of good and right actions. Virtues promote the well being of their possessors and also of their society, while vices run counter to the welfare of their possessors.**

Virtue ethics is person rather than action based: it looks at the virtue or moral character of the person carrying out an action, rather than at ethical duties and rules, or the consequences of particular actions.

Virtue ethics not only deals with the rightness or wrongness of individual actions, it provides guidance as to the sort of characteristics and behaviours a good person will seek to achieve. In that way, virtue ethics is concerned with the whole of a person's life, rather than particular episodes or actions. A good person is someone who lives virtuously - who possesses and lives the virtues.

It's a useful theory since human beings are often more interested in assessing the character of another person than they are in assessing the goodness or badness of a particular action. This suggests that the way to build a good society is to help its members to be good people, rather than to use laws and punishments to prevent or deter bad actions. But it wouldn't be helpful if a person had to be a saint to count as virtuous. For virtue theory to be really useful it needs to suggest only a minimum set of characteristics that a person needs to possess in order to be regarded as virtuous.

Virtue ethics teaches:

- **An action is only right if it is an action that a virtuous person would carry out in the same circumstances.**
- **A virtuous person is a person who acts virtuously**
- **A person acts virtuously if they “possess and live the virtues”**
- **A virtue is a moral characteristic that a person needs to live well.**

Most virtue theorists would also insist that the virtuous person is one who acts in a virtuous way as the result of rational thought (rather than, say, instinct).

SOCRATES AND VIRTUE -ETHICS

Socrates (c. 469 - 399 B.C.) was a hugely important **Greek philosopher** from the **Classical period (often known as the Socratic period in his honor)**. Unlike most of the Pre-Socratic philosophers who came before him, who were much more interested in establishing how the world works, Socrates was more concerned with how people should behave, and so was perhaps the first major philosopher of Ethics.

An **enigmatic figure** known to us only through other people's accounts (principally the **dialogues** of his student [Plato](#)), he is credited as one of the **founders** of [Western Philosophy](#). He is considered by some as the very **antithesis** of the [Sophists](#) of his day, who claimed to have **knowledge** which they could transmit to others (often for payment), arguing instead that knowledge should be pursued **for its own sake**, even if one could never fully **possess** it.

WHO WERE THE SOPHISTS?

The **term** «sophism» comes from the Greek «sophos» or «sophia» (meaning «wise» or «wisdom»), and originally referred to **any expertise** in a specific domain of knowledge or craft. After a period where it mainly referred to **poets**, the word came to describe **general wisdom** and, especially, wisdom about **human affairs**. Over time, it came to denote a class of **itinerant intellectuals** who taught courses in «excellence» or «virtue», (often charging **high fees** for it), who speculated about the **nature of language** and culture, and who employed **rhetoric** to achieve their purposes (which was generally to **persuade** or convince others).

He made important and lasting contributions in the fields of [Ethics](#), [Epistemology](#) and [Logic](#), and particularly in the **methodology** of philosophy (his **Socratic Method** or “**elenchus**”). His views were **instrumental** in the development of many of the major philosophical movements and schools which came after him, including [Platonism](#) (and the [Neo-Platonism](#) and [Aristotelianism](#) it gave rise to), [Cynicism](#), [Stoicism](#) and [Hedonism](#).

Socrates' Trail and Execution

The best known part of Socrates' life is his **trial** and **execution**. Despite claiming complete **loyalty** to his city, Socrates' pursuit of **virtue** and his strict adherence to **truth** clashed with the course of **Athenian politics** and society (particularly in the aftermath of Athens' embarrassing defeats in the **Peloponnesian War** with Sparta). Socrates raised questions about **Athenian religion**, but also about **Athenian democracy** and, in particular, he **praised** Athens' arch-rival **Sparta**, causing some scholars to interpret his trial as an expression of **political infighting**. However, it more likely resulted from his self-appointed position as Athens' **social and moral critic**, and his insistence on trying to improve the Athenians' **sense of justice** (rather than upholding the status quo and accepting the development of **immorality**). His “**crime**” was probably merely that his **paradoxical wisdom** made several prominent Athenians look **foolish** in public.



Whatever the motivation, he was **found guilty** (by a narrow margin of 30 votes out of the 501 jurors) of **impiety** and **corrupting the minds** of the youth of Athens, and he was **sentenced to death** by drinking a mixture containing **poison hemlock** in 399 B.C., at the age of 70. Although he apparently had an **opportunity to escape**, he chose not to, believing that a true philosopher should have **no fear of death**, that it would be against his **principles** to break his **social contract** with the state by evading its justice, and that he would probably **fare no better** elsewhere even if he were to escape into exile.

MAJOR CONTRIBUTIONS OF SOCRATES

As has been mentioned, Socrates himself **did not write** any philosophical texts, and our knowledge of the man and his philosophy is based on writings by his **students** and **contemporaries**, particularly [Plato's](#) dialogues, but also the writings of [Aristotle](#), [Xenophon](#) and [Aristophanes](#). As these are either the **partisan** philosophical texts of his supporters, or works of **dramatic** rather than historically accurate intent, it is difficult to find the **"real"** Socrates (often referred to as the **"Socratic problem"**).

In [Plato's](#) Socratic Dialogues in particular, it is well nigh **impossible** to tell which of the views **attributed** to Socrates are actually his and which [Plato's](#) own

Perhaps Socrates' **most important** and **enduring** single contribution to Western thought is his **dialectical** method of inquiry, which he referred to as **"elenchus"** (roughly, "cross-examination") but which has become known as the **Socratic Method** or **Socratic Debate** (although some commentators have argued that [Protagoras](#) actually invented the "Socratic" method). It has been called a **negative method of hypothesis elimination**, in that better hypotheses are found by steadily identifying and **eliminating** those which lead to **contradictions**. Even today, the **Socratic Method** is still used in classrooms and law schools as a way of discussing **complex topics** in order to expose the **underlying issues** in both the subject and the

speaker. Its influence is perhaps most strongly felt today in the use of the **Scientific Method**, in which the **hypothesis** is just the first stage towards a proof.

At its simplest, the Socratic Method is used to solve a problem by breaking the problem down into a **series of questions**, the answers to which **gradually distill** better and better solutions. Both the questioner and the questioned explore the **implications** of the other's positions, in order to **stimulate rational thinking** and **illuminate ideas**. Thus, Socrates would counter any assertion with a **counterexample** which disproves the assertion (or at least shows it to be inadequate). This would lead to a **modified assertion**, which Socrates would then test again with another counterexample. Through several iterations of this kind, the original assertion is continually adjusted and becomes more and more **difficult to refute**, which Socrates held meant that it was closer and closer to the **truth**.

Socrates believed fervently in the **immortality of the soul**, and he was convinced that the gods had singled him out as a kind of **divine emissary** to persuade the people of Athens that their **moral values** were wrong-headed, and that, instead of being so concerned with their families, careers, and political responsibilities, they ought to be worried about the **"welfare of their souls"**. However, he also questioned whether **"arete"** (or «virtue») can actually be **taught** as the [Sophists](#) believed. He observed that many successful fathers (such as the prominent military general [Pericles](#), for example) did not produce sons of their own quality, which suggested to him that moral excellence was more a matter of **divine bequest** than parental nurture.

He often claimed that his **wisdom** was limited to an **awareness of his own ignorance**, (although he did claim to have knowledge of **"the art of love"**). Thus, he never actually **claimed** to be wise, only to **understand the path** a lover of wisdom must take in pursuing it. His claim that he **knew** one and only one thing, that he **knew nothing**, may have influenced the later school of [Skepticism](#).

Skepticism holds that one should **refrain** from making **truth claims**, and **avoid** the postulation of **final truths**. This is not necessarily quite the same as claiming that truth is **impossible** (which would itself be a truth claim), but is often also used to cover the position that there is no such thing as **certainty** in human knowledge (sometimes referred to as **Academic Skepticism**).

He saw his role, not as a teacher or a theorist, but as analogous to a **midwife** who could bring the **theories of others** to life, although to do so he would of course need to have **experience** and **knowledge** of that of which he talked. He believed that **anyone** could be a philosopher, not just those who were highly trained and educated, and indeed that everyone had a **duty** to ask philosophical questions (he is famously quoted as claiming that «**the unexamined life is not worth living**»).

Many of the beliefs traditionally attributed to the historical Socrates have been characterized as “**paradoxical**” because they seem to **conflict with common sense**, such as: no-one desires evil, no-one errs or does wrong willingly or knowingly; all virtue is knowledge; virtue is sufficient for happiness. He believed that **wrongdoing** was a consequence of **ignorance** and those who did wrong **knew no better** (sometimes referred to as [Ethical Intellectualism](#)). He believed the best way for people to live was to focus on **self-development** rather than the pursuit of material wealth, and he always invited others to try to concentrate more on **friendships** and a sense of **true community**. He was convinced that humans possessed certain **virtues** (particularly the important philosophical or intellectual virtues), and that virtue was the most **valuable** of all possessions, and the ideal life should be spent **in search of the Good** (an early statement of [Eudaimonism](#) or [Virtue Ethics](#)).

Socrates’ **political views**, as represented in Plato’s dialogue “*The Republic*”, were strongly **against** the **democracy** that had so recently been restored in the Athens of his day, and indeed against any form of government that did not conform to his **ideal** of a perfect republic **led by philosophers**, who he claimed were the only type of person **suitable to govern others**. He believed that the **will of the majority** was not necessarily a good method of decision-making, but that it was much more important that decisions be **logical and defensible**. However, these may be more [Plato’s](#) own views than those of Socrates, “*The Republic*” being a «middle period» work often considered to be **not representative** of the views of the historical Socrates.

In [Plato’s](#) “early” dialogue, “*Apology of Socrates*”, Socrates **refused** to pursue conventional politics, on the grounds that he could not look into the matters of **others** (or tell people how to live their lives) when he did not yet understand how to live **his own**. Some have argued that he considered the rule of the “**Thirty Tyrants**” (who came to power briefly during his life, led by **Critias**, a relative of [Plato](#) and a one-time **student** of Socrates himself) even **less legitimate** than the democratic senate that sentenced him to death.

Likewise, in the dialogues of [Plato](#), Socrates often appears to support a **mystical** side, discussing **reincarnation** and the **mystery religions** (popular **religious cults** of the time, such as the **Eleusinian Mysteries**, restricted to those who had gone through certain secret **initiation rites**), but how much of this is **attributable** to Socrates or to Plato himself is not (and never will be) clear. Socrates often referred to what the Greeks called a “**daemonic sign**”, a kind of **inner voice** he heard only when he was about to make a **mistake** (such as the sign that he claimed prevented him from entering into **politics**). Although we would consider this to be **intuition** today, Socrates thought of it as a form of “**divine madness**”, the sort of insanity that is a **gift from the gods** and gives us **poetry, mysticism, love** and even **philosophy** itself.

Socrates’ views were **instrumental** in the development of many of the major philosophical movements and schools which came after him, particularly the [Platonism](#) of his principle student [Plato](#), (and the [Neo-Platonism](#) and [Aristotelianism](#) it gave rise to). His idea of a life of **austerity** combined with **piety** and **morality** (largely ignored by [Plato](#) and [Aristotle](#)) was **essential** to the core beliefs of later schools like [Cynicism](#) and [Stoicism](#). Socrates’ stature in [Western Philosophy](#) returned in full force with the [Renaissance](#) and the [Age of Reason](#) in Europe when **political theory** began to resurface under such philosophers as [John Locke](#) and [Thomas Hobbes](#). **Aristippus of Cyrene (c. 435 - 360 B.C.)**, the founder of the **school of Hedonism** was also a **pupil of Socrates**, although he rather skewed Socrates’ teaching.

PLATO’S VIRTUE ETHICS

Plato (c. 428 - 348 B.C.) was a hugely important **Greek** philosopher and mathematician from the [Socratic](#) (or [Classical](#)) period.

He is perhaps the **best known**, most **widely studied** and most **influential** philosopher of **all time**. Together with his **mentor**, [Socrates](#), and his **student**, [Aristotle](#), he provided the main **opposition** to the [Materialist](#) view of the world represented by [Democritus](#) and [Epicurus](#), and he helped to lay the **foundations** of the whole of [Western Philosophy](#).

In his works, especially his many dialogues, he blended Ethics, Political Philosophy, Epistemology, Metaphysics and moral psychology into an interconnected and systematic philosophy. Plato was the founder of the famous Academy in Athens, the first institution of higher learning in the western world. The philosophical school which he developed at the Academy was known as Platonism.

Plato's doctrine of cardinal virtues is based on his concept of virtue. According to Plato, goodness consists of the natural and proper functioning of human nature. Besides, man is social by nature; therefore, society is a normal background of moral life of human beings. Socrates had said that virtue is knowledge. It means that insight into the nature of moral virtues is essential for becoming virtuous. Of course mere knowledge of virtue is not enough; Man has to cultivate virtues through the habit of doing obligatory and morally good actions. For Plato, good life is the life of virtues; Plato has described four important virtues in his theory of Morality-

- 1) **Wisdom**
- 2) **Courage**
- 3) **Temperance**
- 4) **Justice**

According to him the cultivation of these four virtues constitutes a morally good life, Later on; these four virtues came to be called 'Cardinal virtues'. The term 'cardinal' is derived from the word *Cardo*. 'Cardo' means a hinge or a hook which supports the door, and on which the door turns. The four virtues are cardinal because they support moral life of man in society. They are fundamental virtues. Other virtues depend upon them and are therefore subordinate to them.

According to Plato, the key to moral life is the proper integration of the three parts of the self. The three elements or parts of human beings are:

- **Passionate or Appetitive Element (Passions)**
- **Spirited or Dynamic & Executive Element (Will)**
- **Philosophical or Rational Element (Reason or Intellect)**

This integration can be achieved when the spirited element helps the reason to keep the passions in check. According to Plato, the four cardinal virtues have both individual and social significance. They are found both in the individual and in the society. Human beings are rational and social animals. They have the natural tendency to live in communities. Morality of the society is the same as it is for the individual. According to Plato, society is the individual 'writ large'. For society is made up of individuals.

ARISTOTLE AND VIRTUE ETHICS

Aristotle (384 - 322 B.C.) was an important **Greek** philosopher from the Socratic (or Classical) period, mainly based in **Athens**. He is one of the most important **founding figures** in Western Philosophy, and the first to create a **comprehensive system** of philosophy,

encompassing Ethics, Aesthetics, Politics, Metaphysics, Logic and **science**.

According to Aristotle if we can just focus on being good people the right actions will follow effortlessly. According to Aristotle knowledge, courage, bravery, and perseverance by themselves donot make a morally good character or man. Their ethical significance depends on the motives and the values to which they are related. Aristotle, therefore, rightly distinguishes the moral virtues from the intellectual virtues.

The Nicomachean Ethics is the name normally given to Aristotle's best-known work on ethics. Aristotle aims to identify the highest good for human beings. While most people believe that the highest good is acquisition of material wealth, pursuit of honour or satisfaction of bodily pleasures. Aristotle argues that all of these goods are deficient in the highest good in some way. Material wealth is always acquired for the purpose of attaining something else.

Pursuing honour is not connected with any characteristic of the person himself, but how others perceive him and satisfaction of pleasures is not the loftiest aim of any human being. Aristotle feels that the **HIGHEST GOOD** must be something that is consistent with our faculties as a human being. What separates human beings from non-human animals is our capacity to reason. And a life that only seeks bodily pleasures is not fit for human beings but for cattle (read animals). So he argues that a good life for human beings would focus to a significant extent on contemplation on learning or acquiring the intellectual virtues.

Aristotle associates intellectual virtues with what we may identify as scientific knowledge. Here there are two kinds of knowledge. Knowledge that comes from the fundamentals truths of nature and knowledge that comes from inference or demonstration or what comes about when applying these fundamental truths of nature. But spending one's life in contemplation alone is not enough. Aristotle argues that a person who lives a good life also acts rightly and develops the appropriate state of character. While intellectual virtues are acquired as a result of learning, these character virtues such as courage, temperance, generosity etc are acquired as a result of habituation (habits). **Aristotle argues that it is not about God's plan but nature has built into us the desire to be virtuous.** But what exactly does it mean to be virtuous? Aristotle says that having virtue just means doing the right thing, at the right time, in the right way, in the right amount, toward the right people. Aristotle understood virtue as a robust character trait that once devel-

oped would lead to predictably good behaviour. Virtue is the mid-point between two extremes. The doctrine of the **golden mean** is central in Aristotle's concept of character virtues. **These virtues occupy a middle ground between the vices of excess and deficiency.**



For example if we take into consideration the virtue of courage, the Golden mean or courage would be then,



According to Aristotle Virtue is a skill, a way of living, and that's something that can only be learned through experience. Virtue is a kind of knowledge that Aristotle called practical wisdom. Aristotle said that our character is developed through habituation-if you do a virtuous thing over and over again, eventually it will become a part of your character. But how can we know in the first place what is virtuous thing to do? Aristotle says that we must look up to people who are virtuous-**They are called moral exemplars. We must look upto them and try to emulate them. Over time such emulation would ingrain these virtues into our character and eventually we will develop a virtuous character.**

Acquisition of both the intellectual virtues and virtue of character makes up Aristotle's highest good-EU-DAIMONIA (which roughly translates to a life well lived; human flourishing or happiness)

Aristotle says certain external conditions must be present for the cultivation of the virtues. External conditions that are often beyond the control of the individuals (**Aristotle's circle of influence**). **Individual character develops on a spectrum of worse to better. A spectrum that ranges from Vicious to Virtuous, with incontinent and continent falling in between.**

VICIOUS-INCONTINENT-CONTINENT-VIRTUOUS

The Vicious Man is the worst; he derives pleasure from acting badly. The incontinent man is next, he is inclined to act wrongly and he gives in to these inclinations out of weakness. So he satisfies his desires he remains dissatisfied with himself. The continent man possesses the strength of will and unlike the incontinent man acts rightly even though he was inclined to do what was wrong but he is not fully satisfied either because he was not able to satisfy his inclinations. Aristotle's virtuous man is able to satisfy both his inclination and his rational desires because these two things are aligned. He wants to do what is right and does it as a result derives pleasure from good behaviour. Aristotle argues that one function of a well ordered state is to guide and help individuals to make this progression from vicious to virtuous. Laws should be made that habituate people to do the correct actions. Hence doing what is right becomes habit over a period of time and the character becomes virtuous. **It is for this reason that Aristotle argues that a legislator must possess the intellectual virtue of PHRONESIS which is connected to the understanding of what constitutes virtuous and vicious behaviour and knowing how to direct people in doing what is right.**

Most virtue theorists say that there is a common set of virtues that all human beings would benefit from, rather than different sets for different sorts of people, and that these virtues are natural to mature human beings - even if they are hard to acquire.

This poses a problem, since lists of virtues from different times in history and different societies show significant differences.

The traditional list of cardinal virtues was:

- Prudence
- Justice
- Fortitude / Bravery
- Temperance

The modern theologian James F Keenan suggests:

- **Justice**-Justice requires us to treat all human beings equally and impartially.
- **Fidelity**-Fidelity requires that we treat people closer to us with special care.
- **Self-care**-We each have a unique responsibility to care for ourselves, affectively, mentally, physically, and spiritually.

- **Prudence**-The prudent person must always consider Justice, Fidelity and Self-care. The prudent person must always look for opportunities to acquire more of the other three virtues

Good points of virtue ethics

- It centres ethics on the person and what it means to be human
- It includes the whole of a person's life

Bad points of virtue ethics

- It doesn't provide clear guidance on what to do in moral dilemmas
- Although it does provide general guidance on how to be a good person
- Presumably a totally virtuous person would know what to do and we could consider them a suitable role model to guide us
- There is no general agreement on what the virtues are
- And it may be that any list of virtues will be relative to the culture in which it is being drawn up.

HEDONISM

Hedonism is a school of thought that argues that pleasure is the highest good, the supreme ideal of life. In simple terms, a hedonist strives to maximize net pleasure (pleasure minus pain). Ethical hedonism is the idea that all people have the right to do everything in their power to achieve the greatest amount of pleasure possible to them. It is also the idea that every person's pleasure should far surpass their amount of pain.

Hedonism evaluates human actions on the basis of the consequences of actions i.e. pleasure and pain. Human conduct has a value in proportion to the amount of pleasure in it. The standard of morality for Hedonism is pleasure. A right action is that which produces pleasure. A wrong action is that which produces pain.

PSYCHOLOGICAL HEDONISM AND ETHICAL HEDONISM

There are two forms of Hedonism viz. **Psychological Hedonism** and **Ethical Hedonism**, Psychological Hedonism believes that pleasure is the natural object of desire. Man naturally seeks pleasure. **Psychological Hedonism is a statement of fact**. Ethical Hedonism believes that pleasure is the proper object desire. Man ought to seek pleasure. **Ethical Hedonism is a statement of value**.

Ethical Hedonism has two forms viz. **Egoistic Hedonism** and **Universalistic Hedonism or Utilitarianism**. For Egoistic Hedonism, individuals own pleasure is the highest good. And for the Universalistic Hedonism or Utilitarianism, pleasure of a number of people is the highest good. In other words, Egoistic Hedonism strives after individuals own pleasure; Universalistic Hedonism seeks general happiness and not individual pleasure.

ETHICAL HEDONISM-GROSS AND REFINED

Ethical Hedonism, (whether Egoistic or Universalistic) again has two varieties viz, gross and refined. **Gross Hedonism gives weightage to the sensuous pleasures**. All pleasures are alike and they differ only in intensity. **Present pleasures are to be preferred over future pleasures**. **Refined Hedonism gives weightage to mental and more subtle, fine pleasures**. Refined Hedonism accepts the role of reason in the attainment of pleasures.

KOHLBERG'S STAGES OF MORAL DEVELOPMENT

Lawrence Kohlberg expanded on the earlier work of cognitive theorist **Jean Piaget** to explain the moral development of children. **Kohlberg believed that moral development, like cognitive development, follows a series of stages**. **He used the idea of moral dilemmas**—stories that present conflicting ideas about two moral values—to teach 10 to 16 year-old boys about morality and values. The best known moral dilemma created by Kohlberg is the "**Heinz**" dilemma, which discusses the idea of obeying the law versus saving a life. **Kohlberg emphasized that it is the way an individual reasons about a dilemma that determines positive moral development**.

After presenting people with various moral dilemmas, Kohlberg reviewed people's responses and placed them in different stages of moral reasoning. According to Kohlberg, an individual progresses from the capacity for **pre-conventional morality** (before age 9) to the capacity for **conventional morality** (early adolescence), and toward attaining **post-conventional morality** (once Piaget's idea of formal operational thought is attained), which only a few fully achieve. Each level of morality contains two stages, which provide the basis for moral development in various contexts.

Kohlberg defined three levels of moral development: pre-conventional, conventional, and post-conventional. Each level has two distinct stages. Each level is associated with increasingly complex stages of moral development.

Level 1: Preconventional

Throughout the preconventional level, a child's sense of morality is externally controlled. Children accept and believe the rules of authority figures, such as parents and teachers. A child with pre-conventional morality has not yet adopted or internalized society's conventions regarding what is right or wrong, but instead focuses largely on external consequences that certain actions may bring.

- **Stage 1: Obedience-and-Punishment Orientation**

Stage 1 focuses on the child's desire to obey rules and avoid being punished. For example, an action is perceived as morally wrong because the perpetrator is punished; the worse the punishment for the act is, the more "bad" the act is perceived to be.

- **Stage 2: Instrumental Orientation**

Stage 2 expresses the "what's in it for me?" position, in which right behavior is defined by whatever the individual believes to be in their best interest. **Stage two reasoning shows a limited interest in the needs of others, only to the point where it might further the individual's own interests.** As a result, concern for others is not based on loyalty or **intrinsic** respect, but rather a "you scratch my back and I'll scratch yours" mentality. An example would be when a child is asked by his parents to do a chore (routine task). The child asks "what's in it for me?" and the parents offer the child an **incentive** by giving him an allowance.

Level 2: Conventional

Throughout the conventional level, a child's sense of morality is tied to personal and societal relationships. Children continue to accept the rules of authority figures, but this is now due to their belief that this is necessary to ensure positive relationships and societal order. Adherence to rules and conventions is somewhat rigid during these stages, and a rule's appropriateness or fairness is seldom questioned.

- **Stage 3: Good Boy, Nice Girl Orientation**

In stage 3, children want the approval of others and act in ways to avoid disapproval. Emphasis is placed on good behavior and people being "nice" to others.

- **Stage 4: Law-and-Order Orientation**

In stage 4, the child blindly accepts rules and convention because of their importance in maintaining a functioning society. Rules are seen as being the same for everyone, and obeying rules by doing what one

is "supposed" to do is seen as valuable and important. Moral reasoning in stage four is beyond the need for individual approval exhibited in stage three. If one person violates a law, perhaps everyone would—thus there is an obligation and a duty to uphold laws and rules. Most active members of society remain at stage four, where morality is still predominantly dictated by an outside force.

Level 3: Postconventional

Throughout the postconventional level, a person's sense of morality is defined in terms of more abstract principles and values. People now believe that some laws are unjust and should be changed or eliminated. **This level is marked by a growing realization that individuals are separate entities from society and that individuals may disobey rules inconsistent with their own principles.** Post-conventional moralists live by their own **ethical** principles—principles that typically include such basic human rights as life, liberty, and justice—and view rules as useful but changeable mechanisms, rather than absolute dictates that must be obeyed without question. Because post-conventional individuals elevate their own moral evaluation of a situation over social conventions, their behavior, especially at stage six, can sometimes be confused with that of those at the preconventional level. Some theorists have speculated that many people may never reach this level of abstract moral reasoning.

- **Stage 5: Social-Contract Orientation**

In stage 5, the world is viewed as holding different opinions, rights, and values. Such perspectives should be mutually respected as unique to each person or community. **Laws are regarded as social contracts rather than rigid edicts. Those that do not promote the general welfare should be changed when necessary to meet the greatest good for the greatest number of people.** This is achieved through majority decision and inevitable compromise. **Democratic government is theoretically based on stage five reasoning.**

- **Stage 6: Universal-Ethical-Principal Orientation**

In stage 6, moral reasoning is based on abstract reasoning using universal ethical principles. Generally, the chosen principles are abstract rather than concrete and focus on ideas such as **equality, dignity, or respect. Laws are valid only insofar as they are grounded in justice, and a commitment to justice carries with it an obligation to disobey unjust laws.** People choose the ethical principles they want

to follow, and if they violate those principles, they feel guilty. In this way, the individual acts because it is morally right to do so (and not because he or she wants to avoid punishment), it is in their best interest, it is expected, it is legal, or it is previously agreed upon. Although Kohlberg insisted that stage six exists, he found it difficult to identify individuals who consistently operated at that level.

Critiques of Kohlberg's Theory

- **Kohlberg has been criticized for his assertion that women seem to be deficient in their moral reasoning abilities when compared to men.** Carol Gilligan (1982), a research assistant of Kohlberg, criticized her former mentor's theory because it was based so narrowly on research using white, upper-class men and boys. She argued that women are not deficient in their moral reasoning and instead proposed that males and females reason differently: girls and women focus more on staying connected and maintaining **interpersonal** relationships.
- Kohlberg's theory has been criticized for **emphasizing justice to the exclusion of other values**, with the result that it may not adequately address the arguments of those who value other moral aspects of actions.
- Similarly, critics argue that Kohlberg's stages are **culturally biased—that the highest stages in particular reflect a westernized ideal of justice based on individualistic thought**. This is biased against those that live in non-Western societies that place less emphasis on individualism.
- Another criticism of Kohlberg's theory is that people frequently demonstrate significant inconsistency in their moral judgements. **This often occurs in moral dilemmas involving drinking and driving or business situations where participants have been shown to reason at a lower developmental stage, typically using more self-interest driven reasoning (i.e., stage two) than authority and social order obedience driven reasoning (i.e., stage four)**. Critics argue that Kohlberg's theory cannot account for such inconsistencies.

FEMINIST ETHICS: CAROL GILLIGAN

Feminist ethics is an approach to ethics that builds on the belief that traditionally ethical theorizing has undervalued and/or under-appreciated women's moral experience, which is largely male-dominated, and it therefore chooses to re-imagine ethics through a holistic feminist

approach to transform it. Feminist Ethics is an attempt to revise, reformulate or rethink traditional Ethics; Feminists have developed a wide variety of gender centred approaches to ethics.

In 1982, an American researcher, Carol Gilligan, published a now famous book called 'In a Different Voice'. In this book, she laid out the outcomes of research about the different ways in which way in which different people approach thinking about ethical issues. She begins this book by saying

"I began to hear a distinction in these voices [of people talking about ethics] two ways of speaking about moral problems, two modes of describing the relationship between other and self"

These different voices, Gilligan suggests, are the different voices of men and women talking about ethics; her book explores the ways in which men and women are differently located in society, and how different approaches to ethics may grow out of them. She summarises a body of psychoanalytic theory which suggests that men construct their identity by differentiating themselves from others, whilst women construct theirs in relationship. Thus, it is argued, men find the creating of relationships more difficult, whilst women find differentiation of themselves from others more difficult. These different perspectives, Gilligan maintains, lead to different approaches to ethics. Of course, this body of research is highly controversial.

Carol Gilligan, like a few other feminists, has emphasized issues related to women's traits and behaviours, particularly their care giving ones', Gilligan's ethical theory is essentially based on the "communal nature of women," The theory is titled as "ethics of care" as against typical conventional male oriented "ethics of justice". Feminist ethicists have developed different perspectives, focusing on

- Care as well as (or instead of) justice
- The need to develop ethical attitudes such as empathy & affection; emphasis on terms like dependence and responsibility
- The fundamental significance of relationships in moral decision-making
- The significance of special ties that bind when making moral decisions – one may have different moral responsibilities to people one is close to than to others
- The unique, context-bound and specific nature of each moral decision.

Although many forms of feminist ethics do emphasise these aspects, it is worth noting that feminist ethics is commonly “classified” into the following groups:

Feminine Ethics: This is usually thought of as the ethical writing following most closely in the footsteps of Gilligan’s work, emphasising care alongside (or instead of) justice. One of the most important books in this tradition is Nel Noddin’s book *Caring*, which has been quite influential, although quite controversial, in developing ideas about caring in ethics.

Maternal Ethics: Another significant school of thought within feminist ethics uses mothering as a model for thinking about ethical problems. As Tong suggests, for this group of ethicists “maternal thinking is moral reasoning at its best”. Perhaps the most important writers in this category are Victoria Held and Sara Ruddick.

ETHICS OF CARE AND ETHICS OF JUSTICE

The distinction between Ethic of Care and Ethic of Justice was given by Carol Gilligan. According to Gilligan under the ethic of justice, men judge themselves guilty if they do something wrong. Whereas under the ethic of care, women are reluctant even to judge the action. This reluctance to judge itself may be the indicative of the care and concern for others. Thus women not only define themselves in a context of human relationship but also judge themselves in terms of ‘care and concern. As a result of this a woman’s judgement, her moral deliberations become very different; Gilligan further brings out the distinction between ‘ethic of care’ and ‘ethic of justice’. In her view the quality and quantity of relationships is of great importance in both the systems. **Individual rights, equality before law, fair play, a square deal -all these goals can be pursued without personal ties to others. Justice is impersonal. Whereas sensitivity towards others, loyalty, responsibility, self sacrifice and peace- making all these reflect interpersonal involvement. Care comes from connection.**

Carol Gilligan challenged Lawrence Kohlberg’s stage theory of moral development. Gilligan argued that his model was male biased, and failed to include the perspectives of women, and downgraded women to the status of deviants from the norm. She proposed a stage theory of moral development for women similar to Kohlberg’s moral development theory. **The female approach to morality is that people have responsibilities towards others. So morality is an imperative to care for others.**

It has three major divisions: Pre-conventional, conventional, and post conventional. The transitions between the stages are fuelled by changes in the sense of self rather than in changes in cognitive capability.

- **Pre-conventional level:** Every child falls in this level because person only cares for them in order to ensure survival. In the transition phase the person’s attitude is considered selfish, and the person sees the connection between themselves and others. **“One learns to care for oneself.”**
- **Conventional Level Responsibility:** is goodness and more care is shown for other people. It passes a situation which carries on to ignoring needs of self. According to Gilligan, this is shown in the role of mother & wife. In this transitional phase, tensions between responsibility of caring for others and caring for self are faced. **“One internalizes norms about caring for others and tends to neglect oneself”**
- **Post conventional level:** Acceptance of the principle of care for self and others is shown in this stage and some people never reach this level. **One becomes critical of the conventions one adopted in the conventional stage and learns to balance caring for self with caring for others.** This is a progression from selfish, to social, to principled morality.

EXISTENTIALIST ETHICS-JEAN PAUL SARTRE

Jean Paul Sartre is one of the best known philosophers and a great existentialist of the 20th century. He is regarded as the father of Existentialist philosophy. **Existentialism is widely considered to be the philosophical and cultural movement which holds that the starting point of philosophical thinking must be the individual and the experiences of the individual.** Existentialists generally believe that traditional systematic or academic philosophies are too abstract and away from concrete human experience.

A central proposition of existentialism is that “existence precedes essence”, which means that the most important consideration for the individual is the fact that he or she is an individual— an independently acting and responsible conscious being (“existence”) — rather than what labels, roles, stereotypes, definitions, or other preconceived categories the individual fits (“essence”). The actual life of the individual is what constitutes what could be called his or her **“true essence”** instead of there being an arbitrarily **“attributed essence”** used by others to define him or her. Thus, human beings, through their own ‘consciousness’ create their own values and determine a meaning to their life

The 'ethics of authenticity' is at the very heart of existentialism. It emphasises the absolute character of the free commitment by which every man realizes himself in realizing a type of humanity. Sartre very emphatically states that "Freedom," "Choice," and "Self-Commitment," are the three pillars on which the ethic of authenticity is erected. It is often taken to mean that one has to create oneself" and then live in accordance with this self. What is meant by authenticity is that in acting, one should act as oneself, not as "one" acts or as "one's genes" or any other essence requires. The authentic act is one that is in accordance with one's freedom.

PUNISHMENT AND ITS ETHICAL JUSTIFICATION

"Punishment is the just retribution for deliberate breach of moral law". Wrongness of the act is brought home to the criminal by punishing him. If a good act deserves to be praised or rewarded, then a bad act should be punished. This is the ethical justification of punishment.

Punishment is often known as a kind of negative reward paid to the criminal. Because if we do not punish the criminal, then there will be no harmony, equity and uniformity in society. There will remain no respect for moral laws and moral persons. Moral laws will look like a type of advice possessing no value. Therefore in order to preserve the majesty, supremacy, authority and dignity of moral laws - a criminal should be punished because an offender deliberately violates the moral law and disregards the authority and supremacy of moral laws.

Theories of Punishment

There are three main theories of punishment

- Deterrent (or Preventive) theory, believes that punishment is given, so that potential criminal can learn a lesson and not commit the same crime again.
- Retributive theory, believes that punishment is given, because it is deserved and for no other reason.
- Reformatory (or Educative) theory, suggests that punishment is given to reform the criminal.

Each theory has its own basic principle. The first order principle of Deterrent theory is to maximize the total amount of happiness in society by reducing the crime rate, that of Retributive theory is justice and the basic principle of Reformatory theory is to make the criminal, a morally better individual.

Deterrent or Preventive Theory of Punishment

The Deterrent theory of punishment is utilitarian in nature, for it believes that man is punished, not because he has done a wrong act or committed a crime but in order that crime may not be committed, it is best expressed in the word of a judge, who famously said, "You are punished not for stealing sheep, but in order that sheep may not be stolen". By making the potential criminals realize that it does not pay to commit a crime, the Deterrent theory, hopes to control the crime rate in the society, so that people may have a feeling of security, the first order principle is maximum happiness of the maximum number of people in the society. Jeremy Bentham is the promoter of this theory.

Retributive Theory of Punishment

The Retributive theory believes that punishment must be inflicted because it is deserved and no other reason. The first principle is justice and the assumption is that if a right act has to be rewarded, a wrong act must be punished, for punishment is simply the reward of the wrong act. By punishing the wrongdoer, we are treating him as equal; Aristotle and Hegel are of the opinion that punishment is kind of negative reward paid to a criminal. Hegel says that violation of moral law is the demand for punishment and hence we should punish a criminal, Punishment follows as a fruit of his evil deeds.

Reformatory or Educative Theory of Punishment

As the name suggests, punishment is given for the purpose of reforming the criminal. The supporters of this theory believe that a man commits a crime because, either he is ignorant, or because he has done a wrong, so he may be in a position to improve himself. This theory also holds that most of the crimes are due to pathological phenomenon i.e., one commits crime due to some mental deficiency or insanity or physiological defect. Therefore the criminal ought to be cured and ought to be reformed.

Traditionally, Plato has been regarded as the father of the Reformatory theory and his position can be summarized in the following three positions:

- The state is related to the delinquent as parent to a child.
- Wickedness is a mental disease,
- Punishment is a moral medicine for wicked acts, and however unpalatable it may be, it is absolutely necessary.

ETHICS - IN PUBLIC AND PRIVATE RELATIONSHIPS

Meaning of Public Relations

Public Relation is a management function; it is the practice of managing the spread of information between an individual or an organization (such as a business, government agency, or a nonprofit organization) and the public. The aim of public relation is to evaluate attitudes and maintain good relations and understanding between an individual or organisation and the public.

The aim of public relations is to inform the public, prospective customers, investors, partners, employees and other stakeholders and ultimately persuade them to maintain a certain view about the organization, its leadership, products, or political decisions.

It includes designing communications campaigns, writing news releases and other content for news, working with the press, arranging interviews for company spokespeople, website and social media content etc.

Public Relations have now become a vital function affecting management decisions and influencing public opinion in every public or private organisation. Today, it is indispensable for any organisation. The reasons for it being so are as follows:

- Advancement in telecommunication and transport.
- Opening up of traditionally closed societies and increasing globalisation.
- Recognition of right of expression and freedom of information.
- Governments employing Public Relation practice for staying in power, for development task, etc.
- Growth in business, amalgamations, collaborations, operating with subsidiaries, spreading across national boundaries and in different cultures.

Ethics in Public Relations

Its major objective is to improve channels of communication and to establish new ways of setting up a two-way flow of information and understanding. Public relation is often understood as an occupation that is always working behind the scenes, gliding in and out troubled situations. But Public relation is also often considered to be a corporate conscience which fits well with the business ethics of social responsibility.

Public Relations recognize a long-term responsibility and seek to persuade and to achieve mutual understanding by securing the willing acceptance of attitudes and ideas. It can succeed only when the basic policy is ethical, and the means used as truthful. In Public Relations, the ends can never justify the use of false, harmful or questionable means.

However, it is a difficult task to describe what is ethical and what is unethical. It would be simpler to state it as a matter of choosing between the right and wrong options in keeping with conscience.

Anything that causes dissonance in the mind brings about a feeling of guilt and dishonesty. And dishonest communication cannot be an aid to cementing relationships. Public are also not to be underestimated as fools. As Abraham Lincoln said, 'you can fool some people all the time, and all of the people some of the time, but you cannot fool all the people all of the time.'

There are a number of acts that could be classified as unethical, ranging from suppressing of news to misleading the audience. Unethical act in public relations may include:

- Suppressing unfavourable news
- Misrepresenting facts
- Postponing to serve a cause but actually serving some other interest
- Promising results that cannot be obtained
- Use of undesirable method towards pressurising editors for carrying publicity material

With increasing education, the consumers and public have become aware of their rights and a public Relations person may have to deal with pressure groups like trade unions, consumer protection groups, environment protection activities, etc. Therefore, it is imperative for a public Relations practitioner to be self regulating, ethical as also be careful about the legal aspects of communication.

Meaning of Private Relations

An individual's private relationship such as marriage, family, kinship, friendship differ from his/her public relationship such as relationship of politicians, bureaucrats with people at large, and a doctor's relationship with his patients.

Attributes of private relationship

- The private relations are obviously more intimate than public relations. They are generally inherited, relatively permanent; accommodate more tolerance for imperfections, and are full with expectations of love and affection.
- In contrast, public relations may or may not be inherited, are often temporary; with people who are different from us or even strangers, are likely to be instrumental, engaged in due to mutual benefits (quid pro quid), full with expectation of respect, and accountability and are guarded.
- The governing factors for ethics in private relationships include **individual virtues, universal human values, religion, social norms and law.**

The private relationships demand individual's responsibilities towards the role played in private life such as father, mother, husband, etc. These are self-imposed and voluntary and are backed by sanctions of one's obligations towards self, family and society since ancient times.

In private and public relationships trust is an important factor for instance trust on family members, public trust on the government machinery etc. So transparency, emotional intelligence are the factors which strengthen the relationships.

HUMAN VALUES

The word value is an ambiguous term as it has been used, indiscriminately, by **Philosophers, Psychologists, Administrators, Political scientists, Economists, Sociologists, Historians, Anthropologists, Engineers, Medical practioners, Lawyers** and so on; hence it becomes **indispensible for us to have a look at the etymological origin of the word to understand its meaning in the context of ethics.**

The word "**Value**" is derived from the Latin word '**Valere**' meaning "**to be of worth**". Therefore, etymologically the term value denotes the worth of something. **The word 'value' came to ethics by the way of economics.** In Economics, it is used for

- **value in use** that is, the capacity of object to satisfy a human need or desire and
- **value in exchange** or the amount of one commodity that can be obtained in exchange for another.

Generally, an object is said to have value, if it contributes

to the satisfaction of a human need. In ethics, **values mean our core ideas or beliefs that guide our action.** Values are acquired from knowledge, awareness, experience or through the process of socialization. These ideas or beliefs are dear to us and on the basis of these ideas we decide what is right and what is wrong.

Thus values are something that are desirable and worthy of esteem for their own sake. Values have an intrinsic worth in 'usefulness or importance' to the possessor. Values are principles, standards, or qualities considered worthwhile or desirable. Good values engender good thoughts and ultimately translate into good behaviour.

WHAT ARE HUMAN VALUES?

Human values are the virtues (i.e. desirable traits of character) that guide us to take into account the human element when we interact with other human beings. Human values are those values which help man to live in harmony with the world. **Without values, human life would be drained of significance, degenerating into a bland and textureless existence without differentiation.**

Human values contain mankind's deepest moral aspirations and form the basis of our lives as individuals and as societies. Human values are '**Universal**' in nature as they shared by all human beings irrespective of their religion, nationality or cultural background. **Human values induce consideration for fellow human beings.**

CLASSIFICATION OF HUMAN VALUES

A] Terminal values and Instrumental values

Terminal values are the core permanent values that often become the traits of one's character. They can be good or bad. They are very hard to change. **Terminal Values include things like happiness, self respect, family security, recognition, freedom, inner harmony, comfortable life, professional excellence,** etc. terminal values are desirable states of existence.

Instrumental values are a part of a values definition created by social psychologist Milton Rokeach. He defined instrumental values as those which are specific modes of behaviour. They are not an end goal, but provide a means by which an end goal is accomplished.

In a nutshell, **Terminal Values** signify the **objectives** of the life of a person – the ultimate things the person wants to achieve through his or her behaviour (the destination he wants to reach in life) whereas **Instrumental Values** indicate the **methods** an individual would like to adopt for achieving his life's aim (the path he would like to take to reach his destination).

B] Intrinsic values and Extrinsic values

An **intrinsic value** is one which has worth in its own right. It is an end- in-itself. **Intrinsic values are good irrespective of the consequences they bring.** Intrinsic value has traditionally been thought to lie at the heart of ethics. **Honesty, temperance, courage, happiness, peace etc are examples of intrinsic values.**

An **Extrinsic value** is one which is a means to attain some other intrinsic value. It is of instrumental worth only as they serve as means to achieve an end. Values such as **health, money, fame, status, intelligence, and so on** are the 'means-values' or 'path-values' which help achieve the end values.

C] Institutional values and Individual values

Institutional values are propagated by political, social, economic or cultural institutions. For example in a democratic society liberty becomes an institutional value. Similarly loyalty becomes a value in a social institution like marriage. **Individual values include both intrinsic and extrinsic values which are considered important by the possessor of these values.** Self-esteem and fame can be thought of as such values.

HOW ARE VALUES FORMED?

People's value system comprises both sets of values—terminal and instrumental—which are developed and reinforced through the culture in which they grow on one side and the environment on the other.

Socialisation from parents, religious institutions, friends, personal experiences, and society contribute to the formation of values in individuals. The individual values are affected by our belief system, prevailing social systems, and to some extent socio- economic conditions. **The terminal values are formed over the years, whereas the instrumental values are determined by situations.**

FUNDAMENTAL HUMAN VALUES

The values which are considered basic inherent values in humans include truth, honesty, loyalty, love, peace, etc. because they bring out the fundamental goodness of human beings and society at large. Fur-

ther, since these **values are unifying in nature and cut across individual's social, cultural, religious and sectarian interests;** they are also considered **universal, timeless and eternal applying to all human beings.**

GRID OF HUMAN VALUES AND SUB-VALUES

Right-Conduct	Peace	Truth
Manners	Patience	Truthfulness
Awareness	Concentration	Honesty
Responsibility	Positiveness	Fairness
Independence	Self-acceptance	Trust
Perseverance	Self-discipline	Reflection
Courage	Contentment	Determination

Love	Non-violence
Kindness	Consideration
Forgiveness	Stewardship
Generosity	Justice
Compassion	Respect
Tolerance	Cooperation
Service	Harmlessness

Lessons from the Lives and Teachings of Great Leaders, Reformers and Administrators

Leaders are those who formulate policies and initiate new work in the society. His authority is inherent in his position. He is either appointed or elected or emerge from within a group. He envisages missions, develops strategy, and inspires people and change culture. He gives direction to the overall social and economic pursuits of a society. He is the defender of human rights in the society and has an altruist attitude towards the society. Leadership requires the exercise of high level conceptual skills and decisiveness. Leaders have the potential to alter the existing societal structures and institutions. A leader generally enjoys the support of the masses. Popular agitations are led by leaders. Leaders are the protagonists of revolutionary and freedom struggles.

Administrators are those who execute policies and implements decisions, utilizing the existence structure. (Even if, the existing structures are flawed). The ability to influence is based on the formal authority inherent in their position. A leader, and not an administrator, has the potential to change the country. Administrators are appointed and their power flows from the constitution and laws. The leader does the right thing while the administrator does everything in the right manner. Administrators often act as the interface between government and the people and are primarily interested in upholding

public interest. Rule of law, Administrative codes of ethics and organisational discipline are the prime force behind the actions taken by the administrators. Administration is the process of working to accomplish the agreed goals efficiently. The main work is to implement decisions.

Reformers are those who work towards the improvement of the policies and the existing structure. He is neither appointed nor elected, this virtue emerges from within. Reformers can be of different types viz Social reformers, Political reformers, Religious reformers etc.

Lesson from the lives of great leaders

Lessons that we can learn from the lives of great leaders like Mahatma Gandhi, Abraham Lincoln, Sardar Patel, Nelson Mandela etc are

- Justice
- Selflessness
- Love for peace.
- Respect for humanity and dignity
- Love, care and compassion
- Benevolence & Dedication

The lessons that we can learn from the lives of prominent administrators are based on the ethics in public administration and probity in governance. Important lessons that we can learn from the lives of great administrators like A.P.J. Abdul Kalam, Verghese Kurian, M.S. Swaminathan, E. Sreedharan, C.D. Deshmukh, V.P. Menon, and Sardar Patel include

- Honesty and Integrity.
- Discipline
- Non-discrimination, equality.
- Public welfare.
- Accountability- ethical & professional.
- Responsibility
- Lawfulness
- Loyalty
- Courage
- Solidarity and respect.
- Work ethics
- Perseverance

The lessons that we can learn from the lives of great reformers like Swami Vivekananda, Raja Rammohan Roy, Ishwar Chandra Vidya Sagar, Gandhiji, B.R. Ambedkar,

Swami Dayanand Saraswati etc are based on compassion, equality and inclusion. The major lessons include

- Respect for humanity & dignity.
- Benevolence, Love, care & compassion.
- Inquiry for seeking the cause-effect relationship.
- Passion for Social equality
- Dedication to cause
- Fortitude in efforts
- Sense of Justice while dealing with social groups

Role of Family Society and Educational Institutions in inculcating Values

Role of Family and Society in inculcating values

The family and society is important in developing the moral values of child. There is a close contact between the parents and children, which determine the personality of child. Family is the foundation on which values are built.

Moral values like truthfulness, happiness, peace, justice are instilled in children's thoughts, feelings and actions and they function as ideals and standards that govern their actions in their life. The value system practised in the family becomes automatic to the young family members if they are taught moral values systematically.

The family, shapes the child's attitude towards people and society, and helps in mental growth in the child and supports his ambitions and values. Blissful and cheerful atmosphere in the family will develop the love, affection, tolerance, and generosity. A child learns his behavior by modelling what he sees around him.

Family plays a major role in helping a child socialize and has great influence and bearing on the progress of the child. Joint family system, the presence of elders in the family plays the effective role in social and moral development of the children. It will also help young generation of the family to imbibe human values and eradicate their negative mental tendencies when they are among elders.

Children identify themselves with their parents, other family elders and adopt them as their personal models for emulation and imitation. The behavioural problems are set correct only by the involvement of family in the child's life as they spend most of their time in adolescence with the parents.

Family is the first social organisation that provides the immediate proximity from which the kid can learn his

behavior. Social standards and customs defined by a family provide the emotional and physical basis for a child. Values developed by a family are the foundation for how children learn, grow and function in the world. These beliefs, transmits the way of life a child lives and changes into an individual in a society. These values and morals guides the individual every time in his actions. Children turn out to be a good person because of the value taught and given by his family members Ideas passed down from generation to generation make up a family values. Customs and Traditions followed and taught by the family leads a disciplined and organized life.

Families values helps the child to stand strong on his views despite others efforts to break through with opposing beliefs. A child has a strong sense of what is right and wrong and are less likely to become victims of deviant influences.

Methods of Promoting Values in Family

- **Promoting basic values:** Values such as tolerance, love, sympathy, non-violence, sympathy and compassion, Dharma.
- **Constructive Actions and Positive Attitude:** Suppressing negative actions and augmenting positive ones.
- **Peace and Harmony in family:** We must ensure peace and harmony in the family in order to eliminate domination.
- **Enhancing social life, equality:** done by Cleanliness and good environment of home, hygiene and good health.
- Sharing of goods, eating food together.
- Soft speaking, good behaviour, cooperation, respecting women and elders.
- Prayers to one's god and respecting other religions.
- Enjoying and participating in family functions.

The society at large influences in character building, responsiveness and resilience. The income level, education level, culture, national ideology, mass media etc. have important role in the development of the value system of an individual. An ideal society gives opportunity

- To every individual to grow physically, intellectually and morally.
- To explore the potential as individuals.

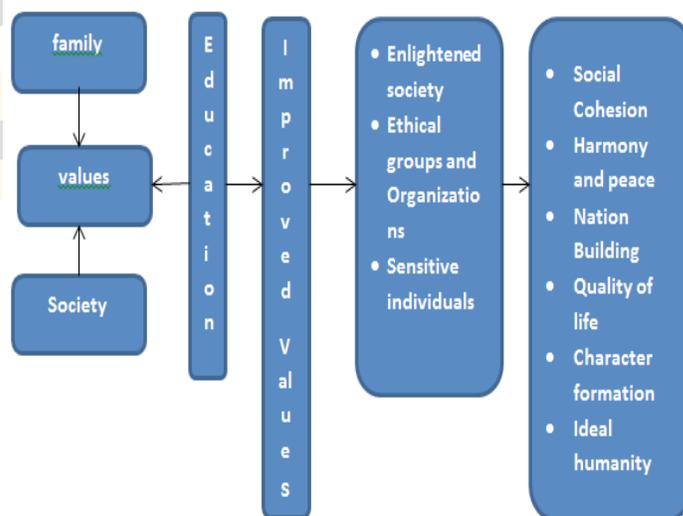
- To shape the attitudes, beliefs, morals and ideals.
- To develop the values of hard-working, honesty, tolerance, national integration, secularization, and dutifulness.
- To discard negative values like dowry, casteism, communalism, alcohol, drugs.
- To disregard social tensions, unrest, prejudices etc. to improve the quality of life.
- To protect the nameless, faceless and voiceless and to ensure justice and equality.
- To develop discipline as individual and collectively.

Role of Educational Institutions in inculcating Values

The prime concern of education is to evolve the good, the true and the divine in man so as to establish a moral life in the world. It should essentially make a man pious, perfect and truthful. The welfare of humanity lies neither in scientific or technological advancements nor in acquisition of material comforts. The main function of education is to enrich the character. What we need today more than anything else is moral leadership founded on courage, intellectual integrity and a sense of values.

Since education is a powerful instrument of social change and human progress, it is also a powerful tool to cultivate values in an individual. Therefore all the educational institutes have greater responsibility to impart learning and cultivation of values through education.

Educational institutions often refine the values that are obtained from the family and society



For inculcating values many educationists have suggested different ideas such as

- Provision of value based curriculum
- Designing special orientation program for teachers
- Value based foundation courses
- Publication of literature based on values
- Necessity to develop code of conduct for teachers and students
- Inculcation of philosophical view towards life among teachers and students.

Further to cultivate values among the new generations we are to design a curriculum from out of our accumulated cultural heritage

In school, children are members of a small society that exerts a tremendous influence on their moral development. Teachers serve as role model to students in school; they play a major role in inculcating their ethical behaviour.

Peers at school diffuse boldness about cheating, lying, stealing, and consideration for others. Though there are rules and regulations, the educational institutions infuse the value education to the children in an informal way. They play a major role in developing ethical behaviour in children.

The teachers play a vital role in the development of the value system among children.

Role of a teacher:

- The personality and value system of a teacher affects the mind and heart of students.
- To develop civic consciousness, patriotism and discipline among the students.
- In higher education the teacher is the central figure in whom the university sees its past glory and around him it builds its future dignity.
- A teacher must be constantly learning, researching, criticizing to inculcate a balanced view in students.
- Commitment to the society, to profession, to achieve excellence and to the basic human values like impartiality, objectivity, intellectual integrity etc.

Education is considered to be most powerful weapon during every era and in every society. Hence the following factors should be kept in mind while evaluating the role of educational institutions

- Transmission of values and should not violate the freedom and autonomy of the learner.
- Education can pass on refined knowledge at a very fast rate.
- Developing personality, preservation of culture, promotion of social justice, scientific temper, democracy, secularism etc. are the prime responsibility of educational institutions
- Educational institutions help in perfect development of reasoning, creates checks on and control impulses, create a focussed approach towards life, promotes value of human excellence.

ETHICS

UNIT-2

ATTITUDE

ATTITUDE

Attitude is a psychological tendency that predisposes one to react positively or negatively towards an object, person, place, event, issue, news etc. **In other words attitude is an aspect of mind that is expressed while evaluating a particular entity with some degree of favour or disfavour.**

Attitudes are a relatively enduring organisation of beliefs, feelings and propensities that determine the behaviour of people towards socio-economically, politically and culturally significant objects, events, entities, institutions or symbols. Attitudes provide the framework for responding in a particular fashion under a particular situation.

Attitudes may be positive or negative. Positive attitudes yield acceptance /favourable behaviour and negative attitudes yield non-acceptance/unfavourable behaviour.

However, at times attitudes are neither positive nor negative rather they are mixed or uncertain. **Most contemporary perspectives on attitudes recognize ambivalent or mixed attitudes i.e. people can simultaneously hold both positive and negative attitudes toward the same object.** This has led to some discussions on whether individuals can hold multiple attitudes toward the same object.

Attitudes can be concrete or abstract. Attitudes form an important area of inquiry in **social psychology** for it helps in the **understanding, analysis and prediction of human behaviour.** What we eat; how we vote; what we celebrate; how we earn; what sports we play; what movies we watch etc are all determined by our attitudes.

STRUCTURE OF ATTITUDE

Rosenberg and Hovland have expressed the **tripartite view** and stated that **an attitude contains cognitive, affective, and behavioural components**

Every attitude has three components that are represented in what is called the ABC model of attitudes: **A for affective, B for behavioural and C for cognitive.** Although every attitude has these three components, any particular attitude can be based on one component more than another.

1) Cognitive component: The cognitive component of attitudes denotes to the **beliefs, thoughts, and attributes** that people would associate with an object. Many times a person's attitude might be based on the negative and positive attributes they associate with an object. **When we form our opinion or judgment on the basis of available information and decide whether you have a favourable or unfavourable opinion on that, it is the cognitive part of an attitude we are talking about.**

2) Affective component: The affective component of attitudes is related to **feelings or emotions (e.g., fear, sympathy, hate, like, pleasure) of people linked to an attitude object.** Affective responses influence attitudes in a number of ways. For example, many people are afraid /scared of spiders. So this negative affective response is likely to cause you to have a negative attitude towards spiders. Affect plays a very important role in attitude formation. Also, affect is a common component in attitude change. **How we feel about an outcome may override purely cognitive rationales.**

- 3) Behavioural component:** The behavioural (or conative) component of attitudes refers to a tendency or a predisposition to act in a certain manner. The predisposition to behave in a certain manner may be caused by affective and cognitive components.

THE 'ABC' MODEL OF ATTITUDE

- **Affective component:** this involves a person's feelings / emotions about the attitude object. For example: "I am scared of snakes".
- **Behavioural (or conative) component:** the way the attitude we have influences on how we act or behave. For example: "I will avoid snakes and scream if I see one".
- **Cognitive component:** this involves a person's belief / knowledge about an attitude object. For example: "I believe snakes are dangerous".

EXPLICIT vs IMPLICIT ATTITUDE

- **Explicit Attitude (Conscious)** – If a person is aware of his attitudes and how they influence his behaviour, then those attitudes are explicit. Explicit attitudes are formed consciously. These are largely governed by the cognitive component.
- **Implicit Attitude (Sub-Conscious)** – If a person is unaware of his attitudes (beliefs) and how they influence his behaviour, then those attitudes are implicit. Implicit attitudes are formed sub-consciously. These are largely influenced by affective experiences.

Note: Explicit Attitudes are attitudes that are at the conscious level, are deliberately formed and are easy to self-report. On the other hand, Implicit Attitudes are attitudes that are at the unconscious level, are involuntarily formed and are typically unknown to us.

Let us try to understand the difference between explicit and implicit attitude with the help of the following example.

Imagine you're out with some friends and meet someone new. This new acquaintance is wearing a Mumbai Indians 'Blue and Gold' jersey, and they happen to be your favourite IPL team. You decide you already like this person and start a friendly conversation. From an attitude perspective, you consciously noticed the jersey and determined that this is obviously someone with whom you would get along well. Your attitude is at the conscious level, it was deliberately formed and you are able to tell someone else about your attitude.

Now, imagine the same scene. You are out with your friends. You vaguely notice some of the strangers around you but don't meet anyone. You talk with your friends but feel extremely uncomfortable. Maybe your friend even notices and asks what's wrong? But, you have no idea. In this scenario, it would be possible that one of the strangers near you reminds you of someone from your past that you greatly disliked. Your attitude towards this person is what is making you feel uncomfortable. However, the attitude is at the unconscious level, it was involuntarily formed, and you have no idea it's there, so you couldn't tell anyone about it.

It is possible and quite common for an explicit attitude and an implicit attitude to contradict each other. Imagine William, a middle-class American white man who genuinely believes that all races are equal and despises any kind of racial bias. This is William's explicit attitude. He is aware of his strong opinion and can easily share this with others. Yet, he is unaware that any time he is around Afro-Americans (or Black Americans), he acts rather nervous. If William grew up in a small town with strong negative stereotypes about Black people, it's possible that some of these negative ideas influenced him without his knowledge. He may subconsciously believe that Blacks are not good people. This is William's contradicting implicit attitude. It was involuntarily created, and he is not aware of it.

Explicit Attitude	Implicit Attitude
Consciously and Deliberately formed	Develops Subconsciously
They are generally formed due to recent experiences	They are the result of old experiences
Explicit attitudes have a dominant cognitive component	Implicit attitudes are mainly driven by the Affective component
These can be expressed and shared easily (self-reported)	These exist mostly at a subconscious level and therefore sharing such attitudes is difficult

MEASUREMENT OF ATTITUDE

Attitudes are often difficult to measure because there is no exact scale of attitude-measurement. After all, attitudes are hypothetical constructs that cannot be studied easily in an empirical fashion. Yet psychologists use the explicit-implicit dichotomy to analyse attitudes.

Perhaps the most straightforward way of finding out about someone's attitudes would be to ask them. However, attitudes are related to self-image and social acceptance (i.e. attitude functions). In order to preserve a positive self-image, people's responses may be affected by social desirability. They may not well tell about their true attitudes, but answer in a way that they feel socially acceptable.

Given this problem, various methods of measuring attitudes have been developed. However, all of them have limitations. In particular the different measures focus on different components of attitudes – cognitive, affective and behavioural.

Explicit Attitude and Its Measurement

Explicit measures tend to rely on self-reports or easily observed behaviours. These tend to involve bipolar scales (e.g., good-bad, favourable-unfavourable, support-oppose, etc.)

Implicit Attitude and Its Measurement

Implicit measures are not consciously directed and are assumed to be automatic, which may make implicit measures more valid and reliable than explicit measures (such as self-reports in which you can do manipulation in self reporting). People can hold implicit prejudicial attitudes, but express explicit attitudes that report little prejudice.

Implicit measures help account for these situations and look at attitudes that a person may not be aware of or want to show. The stronger an implicit attitude the more likely it is that it will show up in an explicit attitude. Strong attitudes are stable and not easily changed due to persuasion and can therefore help predict behaviours.

DIMENSIONS OF ATTITUDE

The structure of attitudes can be examined by exploring their **STRENGTH, ACCESSIBILITY** and **AMBIVALENCE**.

1) Attitude Strength

Attitudes differ in strength. Some attitudes are strong while some attitudes are weak. The strength with which an attitude is held is often a good predictor of behaviour. The stronger the attitude the more likely it should affect behaviour

2) Attitude Accessibility

Attitude accessibility refers to the ease with which attitudes can be retrieved from memory, in other words how

readily available is an attitude about an object, issue, or situation. Attitudes that are more accessible from memory are more predictive of behaviour and are more stable across time

3) Attitude Ambivalence

Attitude ambivalence refers to the fact that our evaluations of objects, issues, events, or people are not always uniformly positive or negative; our evaluations are often mixed, consisting of both positive and negative reactions. In other words when we simultaneously possess both positive and negative attitudes toward the object in question we exhibit attitude ambivalence.

Prejudice, Stereotyping and Discrimination

People are often biased against others outside of their own social group, showing prejudice (**emotional bias**), **stereotypes (cognitive bias)**, and **discrimination (behavioural bias)**. In the past, people used to be more explicit with their biases, but during the 20th century, when it became less socially acceptable to exhibit bias, such things like prejudice, stereotypes, and discrimination became more subtle.

Prejudice is a preconceived opinion that is not based on reason or actual experience. Prejudice is an evaluation or emotion toward people merely based on their group membership. So people use the perceived group membership of another person to provide a ready-made attitude about the person.

Where prejudice involves affective component, **stereotypes are cognitions or beliefs**. When making a stereotype, a person categorizes others in ways that are overly simplistic based on perceived group membership. For example, the stereotypes that all Tamilians love Dosa or All Bengalis like Sweets. It can be true of some, but is highly unlikely that all Tamilians love Dosa and all Bengalis like Sweets. Movies and Plays often propagate popular stereotypes.

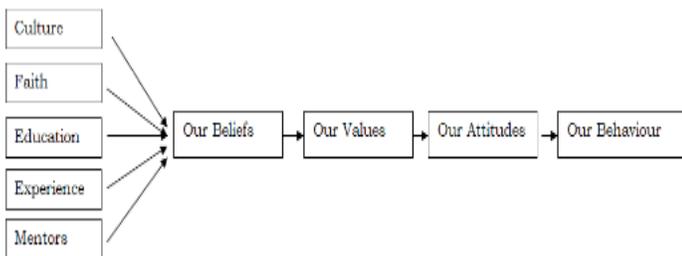
Discrimination is behaviour based on stereotypes and prejudices. If a person has negative beliefs and attitudes about a perceived group, he or she might act on those beliefs and attitudes in situations such as hiring a new employee. The actions of making hiring based on prejudice and stereotyping are discriminatory. Although laws cannot influence people's attitudes and beliefs very much, laws can and do help prevent people acting on those attitudes and beliefs in discriminatory ways.

ATTITUDE FORMATION

Attitude formation refers to a drift from no attitude towards an object some attitude (positive or negative) towards that object. Several factors like exposure, experiences and social learning help in attitude formation. Exposure to objects stimulates our feelings towards that object. Personal experiences can also help in attitude formation and generally have a dominant impact over attitude formation than mere exposure. Attitudes formed from direct experiences are stronger because they are readily available and can be quickly accessed by our consciousness. Social-cultural and economic factors like peers, family, friends, region, religion, occupation, education etc also help in the formation of attitude.

ATTITUDES AND VALUES

Attitude is all about whether you like or dislike something. Value is a belief (about what is important). Value can exist in itself. Attitudes are formed on the basis of underlying values and beliefs.



Formation of Attitude

Right from our birth onwards, we are exposed to a wide variety of stimuli, both directly and indirectly, which lead to our acquiring particular attitudes towards the attitudinal object. It is believed that attitudes are by and large acquired as a result of various life experiences, although a small but growing body of evidence indicates that attitudes may be influenced by genetic factors, too,

A number of theories have been used to identify what lead to formation and maintenance of attitudes-

- Classical or Pavlovian Conditioning
- Operant or Instrumental Conditioning
- Observational Learning
- Genetic Factors

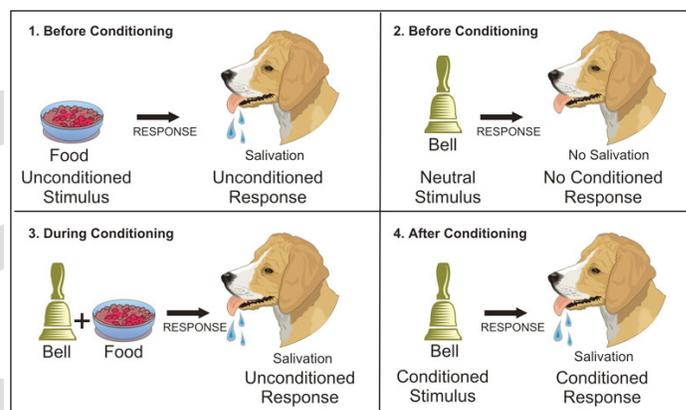
Classical or Pavlovian Conditioning

Classical Conditioning is a process of behaviour modification by which a subject comes to respond in a desired manner to a previously neutral stimulus that has been

repeatedly presented along with an unconditioned stimulus that elicits the desired response. A stimulus is a factor that causes a response in an organism.

Conditioning is usually done by pairing the two stimuli, as in Pavlov's classic experiments. Pavlov presented dogs with a ringing bell followed by food. The food elicited salivation (unconditioned stimulus), and after repeated bell-food pairings the bell also caused the dogs to salivate. In this experiment, the unconditioned stimulus is the dog food as it produces an unconditioned response, saliva. The conditioned stimulus is the ringing bell and it produces a conditioned response of the dogs producing saliva.

Classical Conditioning



Classical conditioning could play a role in establishing some of the emotional components of attitudes and prejudice. Further, through classical conditioning, people may come to have powerful attitudinal reactions to social objects even in the absence of firsthand experience. Hence, children who hear repeated pairings of words in their parents' conversations (such as say, Muslims' Aggressive, Muslims-Fundamentalists) throughout their early years of development may come to adopt such negative attitudes themselves— without even meeting them.

Operant or Instrumental Conditioning

Operant conditioning was proposed by B.F. Skinner. Operant conditioning is a method of learning that occurs through reinforcements and punishments for behavior. Behaviours or attitudes that are followed by positive consequences are reinforced and are more likely to be repeated than are behaviors and attitudes that are followed by negative consequences.

According to this, behaviours that are followed by positive outcomes tend to be strengthened, while those that are followed by negative outcomes are suppressed. The

degree to which attitudes are verbally or nonverbally reinforced by others will affect the acquiring and maintenance of attitudes.

Operant conditioning can be used to influence how attitudes develop. For example: early in your life, if your parents and teachers praised you for doing well in studies, you may have doubled your efforts and developed a positive attitude towards studies. However, if your friend's parents did not acknowledge her achievements in studies, she would have probably developed a negative attitude toward studies.

Skinner's Rat Box Experiment

B.F. Skinner proposed his theory on operant conditioning by conducting various experiments on animals. He used a special box known as "Skinner Box" for his experiment on rats.

As the first step to his experiment, he placed a hungry rat inside the Skinner box. The rat was initially inactive inside the box, but gradually as it began to adapt to the environment of the box, it began to explore around. Eventually, the rat discovered a lever, upon pressing which; food was released inside the box. After it filled its hunger, it started exploring the box again, and after a while it pressed the lever for the second time as it grew hungry again. This phenomenon continued for the third, fourth and the fifth time, and after a while, the hungry rat immediately pressed the lever once it was placed in the box. Then the conditioning was deemed to be complete.

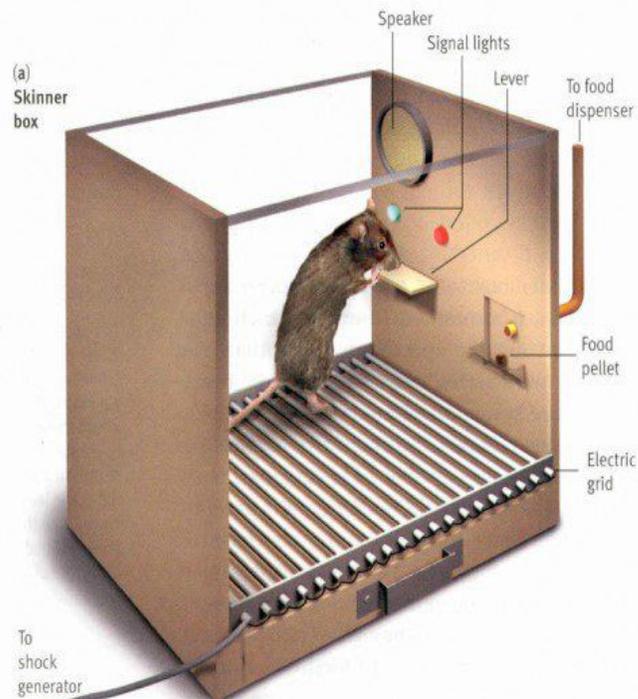
Here, the action of pressing the lever is an operant response/behavior, and the food released inside the chamber is the reward. The experiment is also known as Instrumental Conditioning Learning as the response is instrumental in getting food.

This experiment also deals with and explains the effects of positive reinforcement. Upon pressing the lever, the hungry rat was served with food, which filled its hunger; hence, it's a positive reinforcement.

B.F. Skinner's Second Experiment

B.F. Skinner also conducted an experiment that explained negative reinforcement. Skinner placed a rat in a chamber in the similar manner, but instead of keeping it hungry, he subjected the chamber to an unpleasant electric current. The rat having experienced the discomfort started to desperately move around the box and accidentally knocked the lever. Pressing of the lever immediately seized the flow of unpleasant current. After a few times,

the rat had smartened enough to go directly to the lever in order to prevent itself from the discomfort.



The electric current reacted as the negative reinforcement, and the consequence of escaping the electric current made sure that the rat repeated the action again and again. Here too, the pressing of the lever is an operant response, and the complete stop of the electric current flow is its reward.

Both the experiment clearly explains the working of operant conditioning. The important part in any operant conditioning learning is to recognize the operant behavior and the consequence resulted in that particular environment.

Operant conditioning is distinguished from classical conditioning in that operant conditioning deals with the reinforcement and punishment to change behavior. Operant behavior operates on the environment and is maintained by its antecedents and consequences, while classical conditioning is maintained by conditioning of reflexive behaviors, which are elicited by antecedent conditions.

CLASSICAL CONDITIONING VERSUS OPERANT CONDITIONING

Classical conditioning was introduced by Ivan Pavlov in early 1900s	Operant Conditioning was found by B.F. Skinner in 1938
Based on involuntary reflexive behavior	Involves voluntary behavioral outcomes
Studies individual's behavior in relation to various internal or external stimuli	Studies behavioral patterns that take place in response to numerous rewards & outcomes
Pavlov's world famous dog experiment helped to establish the theory	Skinner's rat box experiment helped to prove this theory

Observational Learning

The phenomenon by which a person acquires new forms of behaviour or thought simply by observing the rewards and punishments that others get is called observational learning. For example if you notice early in your childhood that your parents maintain high degree of integrity while enforcing financial contracts and they are regularly praised by everyone for their probity, there is a great chance that you will also develop a strong positive attitude towards integrity.

Genetic Factors

Genetic factors also play a role in shaping attitudes of an individual. However, they play stronger role in shaping some attitudes than others. For example, attitudes involving gut-level preferences (say a preference for a certain kind of food) may be more strongly influenced by genetic factors than attitudes that are more cognitive in nature (say attitudes towards environment conservation).

Factors Influencing Attitude

By attitudes, we mean the beliefs, feelings, and action tendencies of an individual or group of individuals towards objects, ideas, and people. The following factors can influence attitudes

Social Factors

Every society has the majority of people who prefer to lead a harmonious life. They try to avoid unnecessary friction of conflicts with people. Naturally, they are inclined to develop positive attitudes towards most of the people and issues. Our attitudes may facilitate and maintain our relationships with members of positively valued groups. Social roles and social norms can have a strong influence on attitudes.

Social roles relate to how people are expected to behave in a particular role or context. Social norms involve society's rules for what behaviors are considered appropriate.

Direct Instruction

In general, the individual being conformist or the direction of the attitude of the people it deems important. Sometimes direct instruction can influence attitude formation. For example, somebody gives information about the usefulness of some fruit. On the basis of this information, we can develop a positive or negative attitude about that fruit.

Family

The family is the most powerful source for the formation of attitudes. The parents, elder brother or sister provide information about various things. Attitudes developed by an individual, whether positive or negative are the result of family influence, which is very powerful and difficult to change.

Prejudices

An attitude may involve a prejudice, in which we pre-judge an issue without giving unbiased consideration to all the evidence. Prejudices are preconceived ideas or judgments where one develops some attitudes toward other people, objects, etc. If we are prejudiced against a person, who is, accused of a crime, we may regard him as guilty regardless of the evidence. We can also be prejudiced in favor of something.

Personal Experience

In order to be the basis of attitudes, personal experiences have left a strong impression. Therefore, the attitude will be more easily formed when personal experience involves emotional factors. In situations involving emotions, appreciation will be more in-depth experience and longer trace.

Media

As a means of communication, mass media such as television, radio, has a major influence in shaping people's opinions and beliefs. There is new information on something that provides the foundation for the emergence of new cognitive attitudes towards it.

Educational and Religious Institutions

As a system, educational and religious institutions have a strong influence in shaping attitudes because they lay the foundation of understanding and moral concepts within the individual. Understanding the good and the bad, the dividing line between something that can and cannot do is obtained from the center of the educational and religious institutions.

Physical Factors

Clinical psychologists have generally recognized that physical, health and vitality are important factors in determining adjustment, and frequently it has been found that malnutrition or disease or accidents have interfered so seriously with normal development that serious behavioral disturbances have followed.

Economic Status and Occupations

Our economic and occupational positions also contribute to attitude formation. They determine, in part, our attitudes towards unions and management and our belief that certain laws are 'good' or 'bad'. Our socio-economic background influences our present and future attitudes. Attitudes reflect more than just positive or negative evaluations: they include other characteristics, such as importance, certainty, accessibility, and associated knowledge.

Attitudes are important in the study of social psychology because they influence the amount of attention and the type of judgment an individual may give to a specific subject. Generally, we tend to assume that people behave in accordance with their attitudes. However, social psychologists have found that attitudes and actual behavior are not always perfectly aligned.

ATTITUDE FUNCTIONS

Daniel Katz classified attitudes into different groups based on their functions

- **Knowledge function:** knowing one's or other's attitude imparts knowledge.
- **Ego-defensive function:** attitudes can help people protect their self-esteem and avoid depression.
- **Ego-expressive function:** used to express one's core values or beliefs.
- **Instrumental function:** helps to choose what is rewarding (and also avoid punishment).
- **Social Acceptance function:** adapt to the socially approved attitudes of a larger group.



Daniel Katz

Knowledge Function

As it can be concluded with the help of the foregoing discussion that, attitude is all about what a person likes or dislikes. Knowing a person's attitude helps us predict their behaviour. For example, knowing that a person is religious we can predict they will pay visit to religious sites. Attitude thus allows us to predict what is likely to happen, and so gives us a sense of control. Attitudes can help us organize and structure our experiences.

The knowledge function refers to our need for a world which is consistent and relatively stable. In short, attitudes serve the function of providing meaning (knowledge) for life.

Ego-defensive Function

Not everyone can do everything. This is a truth. However, attitude (like/dislike) can mask this truth to protect our ego. For example, you may not be able to play football like Messi. However, instead of accepting this truth, to protect your self-esteem you can say that you don't like football, and you are interested only in intellectual activities

Positive attitudes towards ourselves, just like the example above, have a protective function (i.e. an ego-defensive role) in helping us preserve our self-image. Otherwise, we might fall into depression.

Ego Expressive Function (Value Expressive/Self Expressive)

The attitudes we express (what we like or dislike) helps to express who we are, what are our basic values, and what we stand for. This (1) help communicate who we are and (2) may make us feel good because we have asserted our identity. Self-expression of attitudes can be non-verbal too. Therefore, our attitudes are part of our identity.

Instrumental Function (Utilitarian)

People develop positive attitudes towards objects associated with rewards, and negative attitudes towards those associated with punishments. For example, as tax-evasion attracts punishments, a person may not favour evading taxes, and start paying taxes properly.

Note: Any attitude that is adopted in a person's own self-interest is considered to serve a utilitarian function.

Social Acceptance Function (Identity/Adaptive)

If a person holds or expresses socially acceptable attitudes, other people will reward them with approval and social acceptance, for example decoration of the house during festivals. Adaptive functions help us fit in with a social group. People seek out others who share their attitudes and develop similar attitudes to those they like.

ATTITUDE CHANGE

Katz's functionalist theory also offers an explanation as to why attitudes change. According to Katz, an attitude changes when it no longer serves its function and the individual feels blocked or frustrated. That is, according to Katz, attitude change is achieved not so much by changing a person's information or perception about an object, but rather by changing the person's underlying motivational and personality needs.

For example as your social status increases, your attitudes toward your old car may change – you need something that better reflects your new status. (For that matter, your attitudes toward your old friends may change as well).

Attitude change occurs anytime an attitude is modified. Thus, change occurs when a person goes from being pos-

itive to negative, from slightly positive to very positive, or from having no attitude to having one. The various theories that can be used include:

Learning Theory of Attitude Change: Classical conditioning, operant conditioning, and observational learning can be used to bring about attitude change.

- **Classical conditioning** – create positive emotional reactions to an object, person, or event by associating positive feelings with the target object.
- **Operant conditioning** – strengthens desirable attitudes and weakens undesirable ones.
- **Observational learning** – let people observe the behaviour of others so that they change their attitude.

Elaboration Likelihood Theory of Attitude Change (The theory of persuasion): This theory of [persuasion](#) suggests that people can alter their attitudes in two ways.

- First, they can be motivated to listen and think about the message, thus leading to an attitude shift.
- Or, they might be influenced by the characteristics of the speaker, leading to a temporary or surface shift in attitude.

Messages that are thought-provoking and that appeal to logic are more likely to lead to permanent changes in attitudes.

Dissonance Theory of Attitude Change:

People can also change their attitudes when they have conflicting beliefs about a topic (cognitive dissonance). In order to reduce the tension created by these incompatible beliefs, people often shift their attitudes.

Cognitive Dissonance Theory

As attitudes can affect behaviour, behaviour can affect attitudes. Leon Festinger's (1919–1989) theory of cognitive dissonance holds that when your beliefs and attitudes oppose each other or your behaviour, you are motivated to reduce the dissonance through changes in behaviour or cognition. The theory itself has been influential in predicting behaviour that reflects an inconsistency in attitudes. Behaving in ways that conflict with one's attitudes causes pressure to change the attitudes in order to be consistent with the behaviour.

Attitude's Influence and Relation with Thought and Behaviour

We tend to assume that people behave according to their attitudes. However, social psychologists have found that attitudes and actual behaviour are not always perfectly aligned. Attitude and behaviour are closely related but they are two different concepts. Following differences can be observed between both:

- Attitude is internal whereas behaviour is external. In other words, behaviour can very well be seen by others as it is external whereas attitude is shelled within the mind of the individual and hence cannot be seen by others immediately.
- Attitude is what you think whereas behaviour is what you do. Attitude has to do with the mind whereas behaviour has a lot to do with actions.
- Attitude is thought-oriented whereas behaviour is action-oriented. Attitude can shape the behaviour of a person. A person with the right attitude may be with right behaviour too. But sometimes people act in accordance with their attitudes, and other times they act in ways that are quite inconsistent with their attitudes.
- Attitude is all about the opinion somebody has about something in life. Behaviour is about how one responds to the impulsion and the pulls of the environment. This response can be shaped by the attitude of the person.
- It is possible to judge one's attitude through one's behaviour though attitude is not visible externally. One can say that someone has a good attitude towards poor. It is evident from the person's behaviour.

Hence attitude and behaviour are related in some sense though they are two different concepts.

Is there a relation between attitude and behaviour?

During the early 1930s, La Piere conducted what has become probably the most widely cited study of the attitude-behaviour relation. While travelling across the western United States in the company of a Chinese couple, La Piere stopped at more than 200 hotels and restaurants. The Chinese couple was refused service at only one establishment. Some 6 months later, La Piere wrote to the proprietor of each of the hotels and restaurants and asked whether the establishment served Chinese guests. Surprisingly, 92% of those who responded

indicated that they did not accommodate Chinese guests. Thus, there was a startling inconsistency between the attitude responses to La Piere's letter and the actual behaviour toward the Chinese couple with whom La Piere had travelled.

A very similar study concerning an African American guest, instead of Chinese guests, also observed much discrepancy between people's reports of their attitudes and their actual behaviour. Although it cannot be denied that a large number of studies suggest that attitudes do not influence behaviour, sometimes attitudes do predict behaviour. For example, studies of voting behaviour consistently have indicated a substantial relation between pre-election attitudes and voting. Basically, people vote for the candidates they like.

Research has revealed everything from findings of no relation whatsoever to the nearly perfect relation observed. Thus, the answer to the question "Is there a relation between attitudes and behaviour?" is a resounding "sometimes." Given the range of findings, it becomes apparent that the question of attitude-behaviour consistency has to be approached differently: Rather than asking whether attitudes relate to behaviour, we have to ask, "Under what conditions do what kinds of attitudes of what kinds of individuals predict what kinds of behaviour?" We need to treat the strength of the attitude-behaviour relation as we would treat any other dependent variable and determine what factors affect it.

When do attitudes guide behaviour?

Strength of the attitude-behaviour relation can be studied through qualities of the behaviour, qualities of the person, qualities of the situation in which the behaviour is exhibited, and qualities of the attitude itself.

Qualities of the Behaviour:

The behaviours that a social psychologist might be interested in predicting from knowledge of a person's attitudes can range from the very specific (e.g., will the person attend church services this week?) to the very general (e.g. how many religious rituals will the person perform over the next month?).

A specific behaviour is best predicted by a question that is equivalently specific to the action in question, the target of the action, the context in which the action is performed, and the time of the action (e.g., "How do you feel about attending your friend's marriage this Sunday?"). In a study conducted prior to the mandated use of lead-free petrol, the actual purchase of lead-free petrol was better

predicted by questions asking specifically about buying lead-free petrol than by questions assessing more general attitudes toward ecology.

In contrast, a general pattern of behaviour is best predicted by a general attitude measure. In one study, participants' global attitude toward "being religious" was used to predict the likelihood that they performed each of many specific religious behaviours (e.g., praying before or after meals, donating money to a religious institution) and a general measure of performing religious behaviours that was a composite measure of the many specific religious behaviours.

Qualities of the Person:

Some kinds of people typically display greater attitude-behaviour consistency than do others. In general, two classes of individuals have been considered: those who are aware of and guided by their internal feelings and those who tend to rely heavily on cues in the situation to decide how to behave. In general, people who are aware of their feelings display greater attitude-behaviour consistency than do people who rely on situational cues.

Any given behaviour of an individual can be guided both by the individual's internal feelings and by external cues. Yet a number of personality dimensions have been developed and used successfully to assess whether a given person tends to rely more heavily on one type of cue or the other. Following are two personality dimensions:

(a) Level of moral reasoning:

- Level of moral reasoning has been found to affect the relation between attitudes and behaviour. More advanced moral reasoning is characterized by principled, morally responsible thought based on people's own general principles of moral action.
- Lower levels of reasoning focus on the general positive or negative consequences of a particular action or on a feeling of being bound by social or legal rules.
- Individuals who depend on their own feelings and principles to make moral judgments act much more consistently with their attitudes toward moral issues than do people who rely on external standards to determine what is moral.

(b) Self-monitoring:

- Individuals who score low on the self-monitoring scale claim to be guided by dispositions (i.e., their inner feelings). They agree with statements such as

"My behaviour is usually an expression of my true inner feelings, attitudes, and beliefs."

- In contrast, individuals who score high on the self-monitoring scale view their behaviour as stemming typically from a pragmatic concern with what is appropriate in each situation. They agree with statements such as "In different situations and with different people, I often act like very different persons." Thus, these individuals are said to monitor the impression that they make on other people and adjust that impression to fit with others' expectations.
- Low self-monitors behave more consistently with their attitudes than do high self-monitors.

People who focus on themselves tend to act more consistently with their attitudes (e.g., people with high moral reasoning and/or low self-monitoring). On the other hand, people who are guided more by the environment or other external factors often do not act in a manner that is consistent with their attitudes (e.g., people with low moral reasoning and/or high self-monitoring)

Qualities of the Situation:

A number of situational variables also affect the strength of the attitude-behaviour relation. These include normative factors and time pressure to reach a decision.

(a) The Effect of Norms:

Norms, or beliefs about how one should or is expected to behave in a given situation, can exert a powerful influence on behavior. People often behave as they believe others expect them to behave. A norm may be so strong and so universally held that virtually everyone in that situation behaves the same regardless of his or her attitude. For example, you might wish that someone were dead, but you would very rarely act on this attitude. Hence, attitude-behavior consistency is low.

(b) Time Pressure:

Individuals are more likely to base their decisions on their attitudes when they are under time pressure because their attitudes provide a heuristic for making quick decisions. Time pressure pushes people away from a careful examination of the available information and toward a reliance on their pre-existing attitudes. For example, in one study, participants were asked to consider job applications from both male and female job candidates. When there was no time pressure, and so participants could consider all of the details carefully, their personnel decisions were unrelated to their attitudes toward work-

ing women. That is, participants whose earlier reported attitudes indicated some prejudice against women were just as likely to recommend hiring a female candidate as were those who did not hold such prejudiced attitudes. In striking contrast, when participants were under time pressure to make a hiring recommendation, an attitude-behaviour relation was apparent.

Participants who were prejudiced against women were less likely to recommend hiring a female candidate. Above example also points out that, from a societal perspective, there are some instances when attitude-behaviour consistency is not desirable. In this instance, acting in accordance with an attitude leads to discrimination against certain groups within our society.

Qualities of the Attitude:

Some kinds of attitudes appear to be stronger than others. In this context, the word stronger is not used in the sense of the attitude being more extreme. Instead, stronger refers to the apparent influence that the attitude has on the individual's behaviour. In fact, in all of the research that is explained earlier, groups of participants with different degrees of attitude strength were compared, but the distributions of attitude scores (i.e., the extremity of attitudes) in the various groups were equivalent to one another.

(a) The Role of Direct Experience

One attitudinal quality is the manner of attitude formation. On the one hand is attitude formation through direct behavioural experience with the attitude object, and on the other hand is attitude formation through indirect non-behavioural experience with the attitude object. For example, a child may form an attitude toward a toy by playing with the toy (direct experience) or on the basis of a friend's or an advertisement's description of the toy (indirect experience). Attitudes based on direct experience have been found to be more predictive of later behaviour than attitudes based on indirect experience.

(b) Attitude Accessibility

One thing that differentiates attitudes based on direct experience from those based on indirect experience is how accessible the attitudes are from memory. Accessibility in this sense refers to how easily attitudes come to mind. Some attitudes come to mind without any conscious effort on people's part. When people see a cockroach, the "Yuck!" response probably comes to mind immediately. This attitude would be highly accessible from memory. But sometimes people have to deliberate quite extensively

about what their attitudes toward some object are. If you are asked which of several restaurants is the best restaurant, you might have to think extensively about which one you like the best. This attitude would not be at all accessible from memory.

As these examples illustrate, one way in which to measure how accessible an attitude is from memory is by how long it takes people to answer whether they like or dislike something. Attitudes based on direct experience tend to be more accessible from memory.

There is also a functional value of such attitudes. Accessible attitudes ease decision making. Imagine what it would be like if every time you went into a ice-cream parlour, you had to decide which flavour of ice cream you wanted by reviewing the entire list of offerings and considering the relative merits of each type of ice cream. You would take a long time to make the decision, and the decision would probably be stressful. However, if the fact that you really like two flavours readily comes to mind, the decision becomes much easier.

Because accessible attitudes come to mind readily, they make the decision-making process that much easier. Discussing the functional value of accessible attitudes implies that accessible attitudes perform a number of useful functions for people, and indeed they do. However, there is a dark side to accessible attitudes as well. Accessible attitudes may be extremely difficult to change, with the upshot that people may be rather close-minded concerning topics toward which they have accessible attitudes.

How do attitude guide behaviour?

There are two different mechanisms by which attitudes can influence behaviour. The major distinction between the two mechanisms centers on the extent to which the behaviour is thoughtfully planned in advance of its actual performance as opposed to being a spontaneous reaction to a person's perception of the immediate situation.

In first mechanism, the individual may reflect and deliberate about a behavioural plan and may decide how he or she intends to behave. In so doing, the person may consciously consider the implications of his or her attitude. For example, when buying a car or deciding which college to attend, a person will extensively deliberate about the decision and consider all of the advantages and disadvantages before making a behavioural decision.

Alternatively, in second mechanism, the individual might not actively reflect on his or her attitude, but that attitude may influence how the person interprets the event that

is occurring and, in that way, may affect the behaviour. When choosing between a vanilla ice cream and a chocolate one, a person will rarely analyze the positive and negative features of each flavour. Instead, the individual's attitudes toward the different flavours determine which flavour looks better at that moment in time.

The former type of process is the essence of Theory of Reasoned Action. The latter is depicted in Model of the Attitude-to-behaviour process.

(a) Theory of Reasoned Action:

The theory of reasoned action assumes that people deliberate about the wisdom of a given course of action. According to this theory an individual's behavioural intention is the single best predictor of his or her eventual behaviour. There are factors that an individual considers in forming a behavioural intention. The person considers, weighs, and combines

- his or her attitude toward the behaviour in question and
- subjective norms regarding the behaviour.

The second component, subjective norms, involves both the person's beliefs about what important others think he or she should do and the person's motivation to comply with the wishes of these others. In deciding whether to attend college, an individual may consider what his or her friends and parents think about attending college as well as how important it is to comply with the wishes of his or her friends and parents.

(b) Model of the Attitude-to-behaviour process:

The theory of reasoned action assumes that attitudes guide behaviour through conscious consideration of and deliberation about a person's attitude and its implications for a given course of action. In contrast the process model suggests that attitudes can guide a person's behaviour even when the person does not actively reflect and deliberate about the attitude.

When someone sees a cockroach, he or she probably does not consider the beliefs about how unsanitary cockroaches are, nor is the person likely to reason about what other people think of smashing the cockroach. If people did engage in such extensive thinking, the cockroach would disappear before anyone had a chance to decide how to react. Instead the process model argues that the individual's attitude toward cockroaches would define this situation as an unpleasant one and that the person would act on this feeling or impulse.

MORAL VALUES

Moral values are the highest among all natural values. Moral values are the standards of good and evil, which govern an individual's behaviour and choices.

Moral values are the highest among all natural values. Goodness, purity, truthfulness, the humility of man rank higher than genius, brilliancy, exuberant vitality, than the beauty of nature or of art, than the stability and power of a state. What is realized and what shines forth in an act of real forgiveness, in a noble and generous renunciation; in a burning and selfless love, is more significant and nobler, more important and more eternal than all cultural values. Positive moral values are the focus of the world, negative moral values, the greatest evil, worse than suffering, sickness, death, or the disintegration of a flourishing culture. This fact was recognized by the great minds, such as Socrates, or Plato, who continually repeated that it is better to suffer injustice than to commit it.

Moral values are always personal values. They can only inhere in man, and be realized by man. A material thing, like a stone or a house, cannot be morally good or bad, just as moral goodness is not possible to a tree or a dog. Similarly, works of the human mind (discoveries, scientific books, works of art), cannot properly be said to be the bearers of moral values; they cannot be faithful, humble and loving. They can, at the most, indirectly reflect these values, as bearing the imprint of the human mind.

Man alone, as a free being, responsible for his actions and his attitudes, for his will and striving, his love and his hatred, his joy and his sorrow, and his basic attitudes, can be morally good or bad. A man will have personality radiating moral values if he is humble, pure, truthful, honest and loving.

As long as a man blindly disregards the moral values of other persons, as long as he does not distinguish the positive value which inheres in truth, and the negative value which is proper to error, as long as he does not understand the value which inheres in the life of man, and the negative value attached to an injustice, he will be incapable of moral goodness.

Moral values are the standards of good and evil, which govern an individual's behaviour and choices. Individual's morals may derive from **society and government, religion, or self.**

Moral values derived from society and government

When moral values derive from society and government they, of necessity, may change as the laws and morals of the society change. An example of the impact of changing laws on moral values may be seen in the case of marriage vs. "living together."

In past generations, it was rare to see couples who lived together without the benefit of a legal matrimonial ceremony. In recent years, couples that set up household without marriage are nearly as plentiful as traditional married couples. But, not only are such couples more plentiful, they are also more accepted by other individuals in our society.

Moral values also derive from within one's own self.

This is clearly demonstrated in the behaviour of older infants and young toddlers. If a child has been forbidden to touch or take a certain object early on, they know enough to slowly look over their shoulder to see if they are being observed before touching said object. There is no need for this behaviour to be taught; it is instinctive. Once, however, any form of discipline is applied to modify the child's behaviour, the child now gains the capacity within himself to distinguish his right behaviour from his wrong behaviour. Now, the child can make correct choices based on his own knowledge. The choices that are made by an individual from childhood to adulthood are between forbidden and acceptable, kind or cruel, generous or selfish. A person may, under any given set of circumstances, decide to do what is forbidden. If this individual possesses moral values, going against them usually produces guilt.

Religion is another source of moral values.

Most religions have built-in lists of do's and don'ts, a set of codes by which its adherents should live. Individuals who are followers of a particular religion will generally make a show of following that religion's behavioural code. It is interesting to note that these codes may widely vary; a person whose religion provides for polygamy will experience no guilt at having more than one spouse while adherents to other religions feel they must remain monogamous.

MORAL ATTITUDES

Attitude is about what you like, and morals are about (what society thinks as) right or wrong. So Moral Attitude is the attitude you hold towards moral issues (where society debates what is right or wrong). For example – what is your attitude towards Euthanasia (mercy killing)? Do

you think it as right? Moral attitudes are often shaped by the moral values an individual possesses. Moral attitudes give a basis to the whole of moral life.

There are a lot of moral issues currently – reproductive cloning, surrogate motherhood, abortion, sex selection, pornography, prostitution, dance bars, euthanasia, capital punishment, homosexuality, live-in relationships, incest, divorce, honour killing, consumerism, owning personal weapons, gambling, prohibition etc being some of them. Your attitude towards these issues comes under the broad category of moral attitude.

Moral attitudes are grounded in moral beliefs of "right" and "wrong". Moral attitudes are based on the following virtues

- **Reverence**
- **Faithfulness**
- **Awareness of Responsibility**
- **Veracity**
- **Goodness**

Reverence

The capacity to grasp moral values, to affirm them, and to respond to them, is the foundation for realizing the moral values of man. These marks can be found only in the man who possesses reverence.

Reverence is a feeling or attitude of deep respect towards others tinged with awe; veneration. Reverence is the attitude which can be designated as the mother of all moral life, for in it man first takes a position toward the world which opens his spiritual eyes and enables him to grasp values.

The irreverent and impertinent man is the man incapable of any abandonment or subordination of self. He is either the slave of his pride, of that cramping egoism which makes him a prisoner of himself and blind to values, and leads him to ask repeatedly: Will my prestige be increased, will my own glory be augmented? Or he is a slave of concupiscence, one for whom everything in the world becomes only an occasion to serve his lust. He does not preserve a reverent distance from the world.

Irreverence can be divided into two types, according to whether it is rooted in pride or in concupiscence. The first type is that of the man whose irreverence is a fruit of his pride. He is the type of man who approaches everything with a presumptuous, sham superiority, and never makes any effort to understand a thing "from within." He

is the “know-all,” schoolmaster type who believes that he penetrates everything at first sight, and knows all things. He is the man for whom nothing could be greater than himself, who never sees beyond his own horizon.

The other type of man who lacks reverence, the blunt, concupiscent man, is equally blind to values. He limits his interest to one thing only: whether something is agreeable to him or not, whether it offers him satisfaction, whether or not it can be of any use to him. He drags himself about eternally in the circle of his narrowness, and never succeeds in emerging from himself. Consequently, he also does not know the true and deep happiness which can only flow from abandonment to true values, out of contact with what is in itself good and beautiful. He does not approach being as does the first type in an impertinent way, but he is equally closed up within himself, and does not preserve that distance toward being required by reverence. This man also is blind to values.

The man possessing reverence approaches the world in a completely different way. He is free from this ego spasm, from pride and concupiscence. He does not fill the world with his own ego, but leaves to being the space which it needs in order to unfold itself. This responsive attitude to the value of being is pervaded by the disposition to recognize something superior to one’s arbitrary pleasure and will, and to be ready to subordinate and abandon oneself. It enables the spiritual eye to see the deeper nature of every being. It leaves to being the possibility of unveiling its essence, and makes a man capable of grasping values.

Reverence is the indispensable presupposition for all deep knowledge —above all, for the capacity to grasp values. Reverence is the presupposition for every response to value, every abandonment to something important, and it is, at the same time, an essential element of such response to value.

The fundamental attitude of reverence is the basis for all moral conduct toward our fellowmen and toward ourselves. The basic attitude of reverence is the presupposition for every true love. A similar reverence is evident in justice toward others, in consideration for the rights of another, for the liberty of another’s decisions, in limiting one’s own lust for power, and in all understanding of another’s rights.

Wherever we look, we see reverence to be the basis and at the same time an essential element of moral life and moral values. Without a fundamental attitude of reverence, no true love, no justice, no kindness, no self-development, no purity, no truthfulness, are possible.

Faithfulness or Constancy

Among the attitudes of man which are basic for his whole moral life, faithfulness is ranked next to reverence. Faithfulness is the concept of unfailingly remaining loyal to someone or something and putting that loyalty into consistent practice, regardless of extenuating circumstances.

One can speak of faithfulness in a narrow sense and in a large one. We have the narrow sense in mind when we speak of fidelity toward men, such as fidelity to a friend, marital fidelity, fidelity to one’s country or to oneself.

The more faithful, the more constant a man is, the more substantial will he be, the more capable of becoming a vessel of moral values, a being in whom purity, justice, humility, love and goodness will dwell lastingly and will radiate from him to the world about him. This constancy in the true sense of the word is a fundamental moral attitude of man. It is a necessary consequence of all true understanding of values, and it is a component element of every true response to values, and consequently of the whole moral life.

Only the man who is constant really grasps the demands of the world of values; only he is capable of the response to value. The eminent importance of faithfulness will stand out in a special way against the background of human relationships. (Here faithfulness is taken in its narrow sense, i.e. fidelity.) For what is love without fidelity? In the ultimate analysis, it is nothing but a lie. There are people to whom faithfulness appears in the light of a mere bourgeois virtue, a mere correctness, a technical loyalty. In the opinion of such people the man who is great, highly gifted and freed from “petty conventions,” has no concern with it.

This is a senseless misunderstanding of the true nature of faithfulness. This virtue is a free, meaningful response to the world of truth and of values, to the unchangeable and intrinsic importance, to the real demands, of that world. Without this basic attitude of faithfulness, no culture, no progress in knowledge, no community, above all no moral personality, no moral growth, no substantial, inwardly unified spiritual life, no true love, are possible. This basic significance of fidelity, in the larger sense, must penetrate to the heart of every relationship.

Awareness of Responsibility

When we call someone a “morally conscious” man, and another man a “morally unconscious” one, we have in mind a difference which is decisive from the ethical point of view. The unconscious man drifts through life; of

course, he grasps certain values, and responds to them, but this process goes on in a manner that is deprived of an ultimate awakedness and of an explicit character. His grasp of values remains more or less accidental. Even when, at a given moment, he rejects something bad and affirms something good, at heart this attitude is rather an affirmation of his own temperament than a really enlightened cooperation with the implacable demands of values, and conformity to those demands.

The unconscious man behaves according to the impulses of his nature; he has not yet discovered within himself the capacity to direct himself freely toward the objective demands of the world of values independently of what is or is not congenial to his nature.

Consequently, they ignore the necessity for conscious effort to develop and improve their moral stature. In their lives we find no moral self-education. This moral sluggishness is an obstacle to the formation of a moral personality.

Reverence and that true fidelity, which we have called constancy, are closely related to this moral awakedness. Moreover, they can only fully unfold themselves in a morally conscious man. This moral awakedness is also the soul of the fundamental moral attitude which we have called "awareness of responsibility." Only the man with this consciousness of responsibility can justly appreciate the impact of the demands of the world of values. He possesses that awakedness toward the world of values which places his life under its sword of justice, which makes him at every moment aware of his own position and duties in the cosmos, and makes him realize clearly that he is not his own master. He knows that he cannot act freely according to his arbitrary pleasure, that he is not his own judge.

The very opposite of the man who is conscious of his responses, is the heedless and thoughtless man. The most radical type in this category is represented by the man who does not in the least concern himself with the world of values, but only with what is subjectively satisfying to him. He is the coarse man subject to his own desires who blindly bypasses all values and for whom the whole world offers only an occasion to secure more pleasure; this is the same type of man we have designated earlier as one who lacks reverence.

Completely different from this totally corrupted type in whom no moral value can flower at all, is the morally unconscious man of whom we have spoken above, who really does grasp values, is affected by them, and sometimes

even conforms to them, but who has not a full understanding of them, since he is deprived of a conscious and explicit awareness. He is also filled with a deep thoughtlessness, with a lack of realization of the ultimate importance of the world of values and its demands. He can be good-natured, amiable, generous, ready to help, but all this without an ultimate attainment of moral excellence.

This man also does not possess a consciousness of responsibility. Finally, there exists a type of thoughtless man who makes a conscious moral effort, but who, on account of a certain superficiality and frivolity in his nature does not consider it necessary in making his decisions to have a clear and precise notion of the value in question.

He does not exert himself to work out a clear idea of the question of value in a given case. What public opinion says, what is advised by an acquaintance, what appears to him through convention, as correct, suffices for him to take a position in a given case. The thoughtlessness of such men lies in the fact that they do not take the question of value seriously enough; that in spite of their good will, they reach an affirmative or negative decision without having truly harkened to the voice of values.

The man lacking in a sense of responsibility also responds too quickly, without taking the trouble to test new experiences against the background of truths he has already discovered. In lack of responsibility, in thoughtlessness, there is also evident a lack of respect for reality. In lack of responsibility, in thoughtlessness, there is also evident a lack of respect for reality.

Veracity

Truthfulness is another of the basic presuppositions for a person's moral life. An untruthful or mendacious person not only embodies a great moral disvalue, but he is crippled in his whole personality; the whole of his moral life; everything in him which is morally positive is threatened by his untruthfulness.

The untruthful man lacks reverence toward values. He assumes a lordly position over being, he deals with it as he pleases. This attitude implies an element of arrogance, of irreverence and impertinence. A liar considers the whole world, to a certain extent, as an instrument for his own ends; everything which exists is an instrument for him; when he cannot use it, then he will deal with it as non-existent.

One must distinguish three different kinds of untruthfulness. First of all, in the artful liar who sees nothing wrong in affirming the contrary of what is true when it is expe-

dient for his aims. Here we are dealing with a man who clearly and consciously cheats and betrays other men in order to reach his aims.

The second type is that of the man who lies to himself and consequently to others. He is the man who simply erases from his mind everything in his life which is difficult or disagreeable. This is the man who does not want to recognize his own faults; he is the man who immediately twists the meaning of every situation which is humiliating or disagreeable for him. His deception is above all practiced upon himself, and only indirectly upon others. He first deceives himself, and then cheats other men.

In the third type of untruthfulness, the break with truth is still less reprehensible, but goes perhaps still deeper, and is reflected even more in the very being of its perpetrators. We see it in that type of ungenue persons whose personality is a deception, who are incapable of experiencing real joy, genuine enthusiasm, genuine love, whose every attitude is a sham, and bears the stamp of pretense. These men do not want to deceive and dupe others; neither do they wish to cheat themselves, but they are unable to achieve a real and genuine contact with the world. They are those shadow-like beings who are ungenue; even though their intention is honest, their joys and sorrows are artificial. Their untruthfulness is due to the fact that all their attitudes are not really motivated by the object and are not enflamed by contact with it, but are artificially stimulated; they pretend to conform to the object, but in reality they are only phantoms without substance.

The man who is really truthful is opposed to the three abovementioned types of untruthfulness. He is genuine, he cheats neither himself nor other people. Because of his deep reverence for the majesty of being, he understands the basic demand of the value which inheres in every being. The truthful person places the demands of values above every subjective wish prompted by his selfishness or his comfort. He consequently abhors all self-deception.

The truthful man who has a "classical" relationship with being, is the man who in his every attitude and action is genuine and true. In his soul we do not find sham attitudes. He is the genuine and straightforward man. He holds himself free from personal pride, so that he is not moved to arrogate to himself a position in the world other than the one which is objectively due him.

Veracity is, like reverence, fidelity or constancy and the awareness of responsibility, a basis of our whole moral life. Like these other virtues, it bears a high value in itself,

and is also indispensable as a basic presupposition of a personality in which genuine moral values may flower in their plenitude.

Goodness

Goodness is the very heart of the whole reign of moral values. It is by no accident that the term "good" means moral value as such, and also the specific moral quality of goodness. Among the different moral values there is none which embodies more completely the entire reign of moral values, than goodness.

It is the center of all morality, and at the same time, it's most sublime fruit. Its central importance in the moral sphere is, therefore, of a completely different type from that of the fundamental attitudes previously mentioned: reverence, fidelity, awareness of responsibility and veracity. For, apart from their own high moral value, these virtues are accepted as a presupposition for the moral life. Goodness, on the contrary, is not a pre supposition, but the fruit of moral life. It culminates all morality; it is the queen of all virtues.

What is goodness? What do we mean when we say that a man irradiates goodness? We say this of a man when he is disposed to help, when he is kindly, just, when he is ready to make sacrifices for others, when he pardons wrongs done him, when he is generous, when he is

full of compassion. All these qualities are specific forms and manifestations of love. This indicates the close connection which exists between love and goodness. Love is, as it were, flowing goodness, and goodness is the breath of love.

The goodness of a man does not limit itself to benevolent intentions toward one particular person whom one loves. When we say someone is good, we mean that he continually manifests this open benevolence, that his attitude toward every man has this loving, this generous character.

For goodness, like every other virtue, is not limited to a particular momentary attitude, but it is a basic attitude and position. There are three types of men who embody a specific antithesis to goodness: the indifferent or cold man, the hardhearted one, and the wicked one. The latter is the man who is an enemy of values: the man who is ruled by a basic attitude of pride, and who lives in an impotent revolt against the world of values.

Another antithesis to goodness in the hardhearted person. He is the stern, cold man who is never moved by compassion, whose ear is deaf to all petitions, who tram-

ples on everything without consideration. Finally, the antithesis to the good man is the cold, indifferent man.

He is the man who by-passes his fellowmen with a blighting lack of comprehension; the man who lives for his own comforts and enjoyments; he, too, is a typical egoist, but he has a different complexion from the hardhearted man. He is neither hostile toward others, nor brutally and unrelentingly hard, but he is filled with indifference toward his fellowmen. He has not the sternness and brutality of the hardhearted man. Instead of the awakedness and openness of the good man, we find him circumscribed and blind regarding values, and instead of the all embracing breadth of the good man we find in him a petty narrowness.

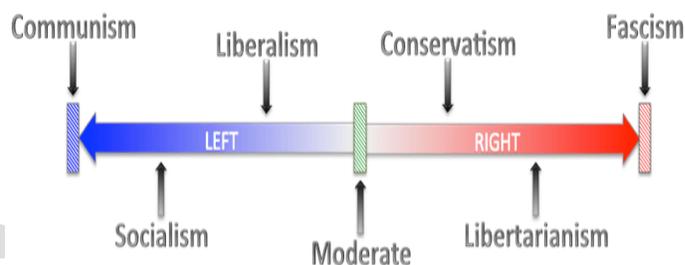
One should beware of confusing goodness with good-nature. The good-natured man is harmless and is an appeaser; because of a certain lassitude and inertia of his nature, he lets himself be badly treated without noticing it. His amiable attitude has its source in a completely unconscious tendency of his nature. Goodness, on the contrary, flows from a conscious response of love; it is "ardent awakedness" and never "harmless lassitude." It is the most intensive moral life, and not inertia and dullness; it is strength and not weakness. The good man does not allow himself to be made use of because he lacks the strength to resist, but he serves freely and humbles himself willingly. Whereas the other fundamental attitudes, such as reverence, faithfulness, awareness of responsibility and veracity respond to the world of values as a whole, goodness not only responds to this world of values, but is, so to speak, the reflection of the whole world of values in the person.

POLITICAL ATTITUDES

Political attitudes are the attitudes of people to the areas of public life covered by political psychology. Political attitude is the attitude you hold towards political issues or ideologies. Attitude towards patriotism, democracy, plebiscite, reservation for women, rights for transgenders, equality, secularism, socialism, communism, communalism, ideals of transparency and accountability, corruption, voting, political parties etc. comes under the broad umbrella of political attitude.

The terms radical, liberal, moderate, conservative, and reactionary are among the words most often used in political discourse to express political attitudes. It is your political attitude that determines where you sit on the political spectrum.

The political spectrum is a system to characterize and classify different political positions in relation to one another. These positions sit upon one or more geometric axes that represent independent political dimensions.



- Radicals are people who find themselves extremely discontented with the status quo. Consequently, they wish an immediate and profound change in the existing order, advocating something new and different for society.
- Considerably less dissatisfied, but still wishing to change the system significantly, are the liberals. All liberals share a belief in the equality and competence of people. Liberals support ideas such as free and fair elections, civil rights, freedom of the press etc.
- Moderates find little wrong with the existing society, and their reluctance to change is exceeded only by the conservatives.
- Differing from liberals in most respects, conservatives are dubious about bold efforts to improve the world for fear that incompetent meddling might, indeed, make things worse.
- Only the reactionaries reject current institutions and modern values. They would see society retrace its steps and adopt former political norms and policies. For example, we witnessed a reactionary revolution with the overthrow of the Shah of Iran in 1979.
- Libertarianism is the group of political philosophies which advocate minimizing coercion and emphasize freedom, liberty, and voluntary association. Libertarians generally advocate a society with significantly less government compared to most present day societies.

People on the right of the political spectrum revere authority, rule of law, tradition, concept of nation and property rights, whereas those on the left emphasize social change, human equality, equal wages, and human rights.

Beyond these philosophical convictions, there are several other motivations that cause people to lean to the left or

right. Psychological factors about the need for change are important. Economic circumstances also play a part. Age is another factor. Finally, one's view about the condition of human nature is probably the most important consideration in determining with which side of the spectrum one will identify. Each of these factors predisposes people's political attitudes about certain policy alternatives.

Just as people's views can modify over time, thus changing their location on the continuum, the spectrum can shift to the left or right while a person remains stationary. It is also appropriate to point out that the political spectrum of one society bears no particular similarity to that of any other society unless the status quo is the same in each. A given policy could be conservative in one society, liberal in another, and radical in a third.

Political Attitude and Political Change

People at each point on the political spectrum have an attitude about the existing political system (the status quo) and depending upon their satisfaction or dissatisfaction adopt certain policies, strategies or pursue certain courses of action. Political change is endemic to any society. Political change can be a very complex subject. With reference to the spectrum of political attitudes, we must actually learn four things about the change or policy option desired.

- First, we must determine the direction, forward or back, in which a proposed change would carry society. In other words, is the change progressive or retrogressive? Our society generally has a favourable bias toward progress. Progressive change simply means a change from the status quo to something new and different in that society. Conversely, retrogressive change refers to a return to a policy or institution that has been used by that society in the past. For example the opening up of the markets by India in 1991 can be considered as a progressive change vis-a-vis a controlled economy. If today the Government of India imposes import substitution again it would be a retrogressive change.
- The second thing one must determine when trying to locate desired policy options on the spectrum is the depth of a proposed change. Would the desired change amount to a major or a minor adjustment in the society? Would it modify or replace an institution that is fundamental to the society as it now exists? If so, what is the likelihood that the proposed change will cause unforeseeable and uncontrollable effects once it is implemented? The farther people

find themselves from the status quo, the more dissatisfied they are with the existing order and the more intense their desire for change.

- The third aspect is the speed at which people want change to occur. Obviously, the more upset people are with the status quo, the more impatient they are likely to be, and, therefore, as a general rule, the more rapidly they would like to see the existing order transformed.
- The fourth factor we must consider regarding the concept of change is the method used to accomplish it. Political change can take place in a multitude of ways: officially or unofficially; legally, illegally, or extra-legally; smoothly or abruptly; peacefully or violently.

Factors that shape Political attitude

Economic pressures:

Many people suspect that economic pressures are the primary motivation for choosing a particular political position, and, indeed, this does appear to be an important factor. People who are doing well in society usually do not want it to change. By contrast, the poor have little to lose materially and much to gain from change. Or so it can be supposed.

Economics is not the only factor in the choice of political beliefs, however. There are plenty of poor conservatives, and one can easily find rich socialists. In fact, there is no single motivation for people's political attitudes.

Age:

Age is often a significant factor. Usually, the young are more likely to change than the elderly. This is probably because the older generations may have a vested interest in the status quo that the younger generations have not yet acquired. Young people lack not only wealth, but also a sense of commitment and belonging. Fifty-year olds are likely to feel that they have a stake in society, not only because they have helped create it, but also because they have become used to it. The young have neither of these reasons to be committed to the system.

Psychological factor:

Some people are also more psychologically suited for liberalism or conservatism than others. To be a liberal, one must have a relatively high tolerance for disorder.

Nature of People:

Perhaps the greatest single determining factor in whether one will tend to the left or right is what one feels the nature of people to be. If one believes that people need a strong state for their growth and protection, then one is likely to lean to the right of the spectrum. Anyone who thinks that people may for their interests abuse the system will tend to rely on strict laws and firm punishment for violators in the belief that such measures are necessary to control errant behaviour. On the other hand, people who believe their fellows to be essentially well meaning and rational will lean toward the left. They will try to avoid impeding human liberty by “unnecessarily” severe laws, and they will try to reason with offenders.

Many other factors — including family, gender, religion, race and ethnicity, and region — all contribute to political attitudes and behaviour.

Family:

Despite family disagreements and generation gaps, at times children tend to grow up and have the political attitude same as their parents do. Families are generally the first, and often the most enduring, influence on young people’s developing political opinions. As people grow older, other influences crisscross the family, and naturally their attitudes tend to diverge from those of their parents. However, the influence still remains. Logically, the more politically active your family, the more likely you are to hold the same beliefs.

Gender:

Sometimes women have political attitude that is influenced by their husbands or other family members but in many cases we see that they have different political views.

Generally women tend to be liberal as they want equal rights, equal pay, more opportunities etc. But their political views also depend on religion, family, class etc.

Religion

Strong adherents of religion often shape their political attitudes in the light of their religious beliefs and practices. There is a tendency among them to celebrate everything that conforms to their religion and denounce everything that challenge their basic way of religious life.

Region

Regional aspirations and insecurities often shape polit-

ical attitudes. People generally vote for regional parties due to their acquiesce and familiar way of life.

Political ideologies

Political Ideology is a certain ethical set of ideals, principles, doctrines, myths or symbols of a social movement, institution, class, or large group that explains how society should work, and offers some political and cultural blueprint for a certain social order. A political ideology largely concerns itself with how to allocate power and to what ends it should be used. Some parties follow a certain ideology very closely, while others may take broad inspiration from a group of related ideologies without specifically embracing any one of them. Political ideologies have two dimensions:

- a) Goals: How society should work (or be arranged).
- b) Methods: The most appropriate ways to achieve the ideal arrangement.

Political ideologies are concerned with many different aspects of a society, some of which are: the economy, education, health care, labour law, criminal law, the justice system, the provision of social security and social welfare, trade, the environment, minors, immigration, race, use of the military, patriotism and established religion.

Political ideologies determine political attitudes that translate into political engagement and expression.

Functions of political attitude

- **Maintaining Political Culture:** Maintaining of political culture is vital function of political attitude formulation in stable conditions. This function is performed by having communication between political cultures from a generation to another generation. But in present situation, the political socialization does not always act for maintaining political culture.
- **Alteration of Political Culture:** Modification of political culture is an important function of political attitude formulation.
- **Building Political Culture:** Creating political culture is performed by means of process of political attitude formulation. Every society needs to create new political culture with the establishment of new political system.
- **Foundation of Present Pattern of Political System:** There is no scope for difference of opinions of opposition into totalitarian state whereas if we see

there are in number of opportunities for difference of opinions and opposition in open societies.

- **Continuity and Change:** There is continuity and change in attitude formulation and this is an important factor of the process of attitude formulation.

SOCIAL INFLUENCE

Social influence is described as the change in person's behaviour, thoughts, feelings and attitudes that results from interaction with another individual in society. It can be intentionally or unintentionally, as a result of the way the changed person perceives themselves in relationship to the influencer.

Harvard psychologist Herbert Kelman identified three broad varieties of social influence

- **Compliance** is when people appear to agree with others, but actually keep their dissenting opinions private
- **Identification** is when people are influenced by someone who is liked and respected, such as a famous celebrity.
- **Internalization** is when people accept a belief or behaviour and agree both publicly and privately.

Compliance

Compliance is the act of responding favourably to an explicit or implicit request offered by others. Technically, compliance is a change in behaviour but not necessarily attitude- one can comply due to mere obedience, or by otherwise opting to withhold one's private thoughts due to social pressures. The satisfaction derived from compliance is due to the social effect of the accepting influence (i.e. people comply for an expected reward or punishment-aversion) Compliance refers to a response — specifically, a submission — made in reaction to a request. The request may be explicit or implicit.

Identification

Identification is a psychological process whereby the subject assimilates an aspect, property, or attribute of the other and is transformed, wholly or partially, by the model the other provides. Identification is the changing of attitudes or behaviours due to the influence of someone that is liked. Advertisements that rely upon celebrities to market their products are taking advantage of this phenomenon.

Internalization

Internalization is the process of acceptance of a set of norms established by people or groups which are influential to the individual. The individual accepts the influence because the content of the influence accepted is intrinsically rewarding. It is congruent with the individual's value system, and the "reward" of internalization is "the content of the new behaviour".

Conformity

Conformity is a type of social influence involving a change in behaviour, belief or thinking to align with those of others or to align with normative standards. It is the most common and pervasive form of social influence.

Conformity is the act of matching attitudes, beliefs, and behaviours to group norms. Norms are implicit, unsaid rules, shared by a group of individuals that guide their interactions with others. This tendency to conform occurs in small groups and/or society as a whole, and may result from subtle unconscious influences, or direct and overt social pressure.

Conformity can occur in the presence of others, or when an individual is alone. For example, people tend to follow social norms when eating or watching television, even when alone.

Conformity is sometimes in appearance only – publicly appearing to conform (compliance) or it may be a complete conformity that impacts an individual both publicly and privately (conversion). What appears to be conformity may in fact be congruence.

Congruence occurs when an individual's behaviour, belief or thinking is already aligned with that of the others and there is no change. Another type of social response, which does not involve conformity with the majority of the group, is called convergence. In this type of social response the group member agreed with the groups' decision from the outset and thus does not need to shift their opinion on the matter at hand.

As conformity is a group phenomenon, factors such as group size, unanimity, cohesion, status, prior commitment and public opinion help determine the level of conformity an individual displays.

Factors that impact compliance are as under:

- **Group strength:** The more important the group is to an individual, the more likely the individual is to obey with social influence.

- **Immediacy:** The closeness of the group makes an individual more likely to comply with group pressures. Pressure to comply is sturdiest when the group is closer to the individual and made up of people the individual cares about.
- **Number:** Compliance increases as the number of people in a group increases.
- **Similarity:** Perceived shared characteristics cause an individual to be more likely to comply with a request, particularly when the shared feature is perceived as unplanned and rare.

In the case of peer pressure, a person is convinced to do something (such as smoking) which they might not want to do, but which they perceive as “necessary” to keep a positive relationship with other people, such as their friends. Conformity from peer pressure generally results from identification within the group members, or from compliance of some members to appease others.

People often conform from a desire for security within a group—typically a group of a similar age, culture, religion, or educational status. This is often referred to as group-think: a pattern of thought characterized by self-deception, forced manufacture of consent, and conformity to group values and ethics, which ignores realistic appraisal of other courses of action. Unwillingness to conform carries the risk of social rejection. (Social rejection occurs when an individual is deliberately excluded from a social relationship or social interaction for social rather than practical reasons.)

Obedience

It is different from compliance, in that it complies with an order from someone that people accept as an authority personality. In compliance, there is some choice. In obedience, there is no choice. Basically, obedience refers to a social influence in which a person follows explicit instructions that were given by an authority figure. In the long history of humankind, the effect of obedience is bold. It is deduced that the most conspicuous feature of obedience is the presence of an authority figure.

Milgram stated that there are various factors that affect the extent of obedience.

- Firstly, it was observed that prestige and obedience are positively related. When the experiment was moved to somewhere less prestigious as opposed to the original location obedience level dropped.
- Secondly, surveillance was also observed to affect level of obedience. Buffers that prevent the partici-

pant from being fully aware of the impact of their actions also increase the level of obedience. It was also observed that authority amplifies level of obedience.

Factors that affect Obedience:

Milgram and Zimbardo concluded through their experiments that there are many factors affect obedience:

- **Proximity to the authority figure:** Proximity designates physical closeness; the closer the authority figure is, the more obedience is demonstrated. In the Milgram experiment, the experimenter was in the same room as the participant, likely eliciting a more obedient response.
- **Prestige of the experimenter:** Both researchers have advocated that the prestige associated with Yale and Stanford respectively may have influenced obedience in their experiments.
- **Expertise:** A subject, who has neither the ability nor the expertise to make decisions, especially in a crisis, will leave decision making to the group and its hierarchy.
- **De-individuation:** In obedience, people come to view themselves not as individuals but as instruments for carrying out others’ desires, and thus no longer perceive themselves as responsible for their actions.

While conformity is generated by social norm, obedience involves an authority figure. Compliance involves an explicit request that is less aggressive as opposed to that of obedience. It can be concluded that though the notions of compliance and obedience are analogous, conformity stands distinctly apart because of its unique stimulus and result.

Non-Conformity

In situations where conformity (including compliance, conversion and congruence) is absent, there are non-conformity processes such as independence and anti-conformity.

Nonconformity can fall into one of two response categories. First, an individual who does not conform to the majority can display independence. Independence, or dissent, can be defined as the unwillingness to bend to group pressures. Thus, this individual stays true to his or her personal standards instead of the swaying toward group standards.

Also, a nonconformist could be displaying anti-conformity or Counter-conformity which involves the taking of opinions that are opposite to what the group believes. This type of nonconformity can be motivated by a need to rebel against the status quo instead of the need to be accurate in one's opinion. Hence, social responses to conformity can be seen to vary along a continuum from conversion to anti-conformity.

Reactance

Reactances can occur when someone is heavily pressured to accept a certain view or attitude. Reactance can cause the person to adopt or strengthen a view or attitude that is contrary to what was intended, and also increases resistance to persuasion.

Reactance is the adoption of a view contrary to the view that they are being pressured to accept, perhaps due to the perceived threat to behavioural freedoms. This behaviour has also been called anti-conformity. Reactive behaviour is the result of social pressure.

Psychological reactance occurs in response to threats to perceived behavioural freedoms. An example of such behaviour can be observed when an individual engages in a prohibited activity in order to deliberately taunt the authority that prohibits it, regardless of the utility or disutility that the activity confers.

An individual's freedom to select when and how to conduct their behaviour, and the level to which they are aware of the relevant freedom—and are able to determine behaviours necessary to satisfy that freedom—affect the generation of reactance. It is assumed that if

a person's behavioural freedom is threatened or reduced, they become motivationally aroused. The fear of loss of further freedoms can spark this arousal and motivate them to re-establish the threatened freedom. Because this motivational state is a result of the perceived reduction of one's freedom of action, it is considered a counterforce, and thus is called "psychological reactance".

The greater the magnitude of reactance, the more the individual will try to re-establish the freedom that has been lost or threatened by social pressure.

Unanimity and Social Influence

Social Influence is strongest when the group perpetrating it is consistent and committed. Even a single instance of dissent can greatly wane the strength of an influence.

Status and Social Influence

Those perceived as experts may exert social influence as a result of their perceived expertise. This involves credibility, a tool of social influence from which one draws upon the notion of trust. People believe an individual to be credible for a variety of reasons, such as perceived experience, attractiveness, knowledge, etc. Additionally, pressure to maintain one's reputation and not be viewed as fringe may increase the tendency to agree with the group, known as groupthink.

Culture and Social Influence

Culture appears to play a role in willingness to conform to a group. As we have seen earlier, it was found that conformity was higher in Norway than in France. This has been attributed to Norway's longstanding tradition of social responsibility, as compared to France's cultural focus on individualism. Japan likewise has a collectivist culture and thus a higher propensity to conform.

The Boomerang Effect

The boomerang effect refers to the unintended consequences of an attempt to persuade resulting in the adoption of an opposing position instead. It is sometimes also referred to "the theory of psychological reactance", stating that attempts to restrict a person's freedom often produce an "anti-conformity boomerang effect".

It is more likely under certain conditions:

- When weak arguments are paired with a negative source.
- When weak or unclear persuasion leads the recipient to believe the communicator is trying to convince them of a different position than what the communicator intends.
- When the persuasion triggers aggression or unalleviated emotional arousal.
- When non-conformity to their own group results in feelings of guilt or social punishment.
- When the communicator's position is too far from the recipient's position and thus produces a "contrast" effect and thus enhances their original attitudes.

Theories on Social Influence

Social impact theory

It states that there are three factors which will increase people's likelihood to respond to social influence. Social impact is the result of social forces including the strength of the source of impact, the immediacy of the event, and the number of sources exerting the impact.

- **Strength:** The importance of the influencing group to the individual.
- **Immediacy:** Physical (and temporal) proximity of the influencing group to the individual at the time of the influence attempt.
- **Number:** The number of people in the group.

Dynamic Social Impact Theory

This theory is considered an extension of the Social Impact Theory as it uses its basic principles; mainly that social influence is determined by the strength, immediacy, and number of sources present, to describe how majority and minority group members influence one another.

Groups that are spatially distributed and interact repeatedly organize and reorganize themselves in four basic patterns: consolidation, clustering, correlation, and continuing diversity.

- **Consolidation** – as individuals interact with each other, over time, their actions, attitudes, and opinions become uniform. In this manner, opinions held by the majority of the group spread to the minority, which then decreases in size.
- **Clustering** – individuals tend to interact with clusters of group members with similar opinions. Clusters are common when group members communicate more frequently with members in close proximity, and less frequently with members who are more distant. Minority group members are often shielded from majority influence due to clustering. Therefore, subgroups can emerge which may possess similar ideas to one another, but hold different beliefs than the majority population.
- **Correlation** – over time, individual group members' opinions on a variety of issues converge and correlate with each other; this is true even of issues that are not discussed by the group.
- **Continuing Diversity** – a degree of diversity can ex-

ist within a group if minority group members cluster together or minority members who communicate with majority members resist majority influence. However, if the majority is large or minority members are physically isolated from one another, this diversity drops.

Cialdini's "Weapons of Influence"

In his work, **Robert Cialdini** defines six "**Weapons of Influence**" that can contribute to an individual's propensity to be influenced by a persuader.

- **Reciprocity:** People tend to return a favour.
 - **Commitment and Consistency:** People do not like to be self contradictory. Once they commit to an idea or behaviour, they are averse to changing their minds without good reason.
 - **Social Proof:** People will be more open to things they see others doing. For example, seeing others helping poor may influence them to do so as well.
 - **Authority:** People will tend to obey authority figures.
 - **Liking:** People are more easily swayed by people they like.
 - **Scarcity:** A perceived limitation of resources will generate demand. Opportunities seem more valuable when they are less available.
- Hard-to-get things are perceived as better than easy-to-get things. You can use the Scarcity Principle to influence others. The possibility of losing something is a more powerful motivator than of gaining something. Let others (a customer, your boss, a lover) know what they will be losing if they don't say 'yes' to your offer.

PERSUASION

Persuasion

According to the communication scholar Gerald R. Miller, any message that is aimed to shape, reinforce or change the perceptions, emotions, beliefs, behavioural intentions and behaviours is to be considered as persuasive communication. When tracking historical record, the study of persuasive communication started in Ancient Greece and has a history of more than two eras. Ancient intellectuals like Plato and Aristotle framed rhetoric as a technique for oral persuasion, which was followed by the notable Roman scholars Buntillian and Cicero. Cicero described rhetoric as a speech designed to persuade.

After many decades, the development of mass media facilitated the broadening of the concept of rhetoric beyond oratory. The philosopher Kenneth Burke was the first to recognize the persuasive potential of nonverbal domains. Burke's work gave rise to the study of persuasiveness in other domains, increasing interest in visual rhetoric, understood as the art of using imagery and visuals persuasively. It is established in literature that persuasion is long term endeavour. It is a way of seeing and being in the world.

In management literature, persuasion is the process of changing or reinforcing attitudes, beliefs or behaviour of a person. People respond to persuasive messages in two ways: thoughtfully and mindlessly. When people are in thoughtful mode, the persuasiveness of the message is determined by merits of the message. When people respond to messages mindlessly, their brains are locked on automatic. Persuasion is mainly dependent upon the attractiveness of the speakers and reaction of the listeners. Persuasion is exclusively related with communication, learning, awareness and thought.

Process of persuasion

In the process of persuasion, both the persuader and the receiver of the persuasive message are wilfully active. The process of persuasion involves a series of consecutive steps:

The communication is presented; the person pays attention to it; he comprehends the contents of the message and also the basic conclusion being urged. However, for persuasion to be effected the individual must agree with or yield to the point being urged and then finally act on it or in other words carry out the behaviour implied due to the new change in his attitude.

Components of Persuasion

The components in the communication process are source, message, the context of the message channel, receiver and the audience.

- "Source" factors include the perceived sender of the communication. The "message" denotes to what person says and includes style, content and organization, while "Channel" designates the medium (e.g. press, radio, television) through which the message is communicated. The source of a persuasive message is the communicator who is presenting it. A source is more persuasive if he or she is seen as credible (believable) and attractive. There are two ways for a source to be trustworthy: (a) claiming to be an expert, and (b) appearing to be trustworthy.

- **The Message:** Persuasive messages can involve emotional appeals or rational opinions. When time is limited, short emotional appeals may be more effective than rational arguments. There is also evidence that more intelligent audiences are persuaded better by two-sided messages, probably because they more readily recognize that there are two sides to the issue.
- **The Context:** Promoters often have difficulty in capacitating the internal arguments that compete with their persuasive messages. When people listen to or read a persuasive message, they are usually free to limit our attention or silently counter argue with its arguments. Research has revealed that when subjects are distracted, they are more likely to accept a persuasive message than when they have been allowed to concentrate on their counterarguments.
- **The Audience:** Numerous researches concentrated on the recipients of persuasive messages, the audience, to discover when some people are more persuadable than others. Many audience characteristics interact with message variables, such as involvement or intelligence. Intellectual recipients are more persuaded by complex messages, while unintelligent recipients are more persuaded by simple emotional messages.

Persuasive communication can be directed at

- **Cognition:** Persuasion can be used to change individuals' beliefs about an object or an issue, which includes attributes, interpretation, definition, outcome, etc.
- **Attitude:** Persuasion can be used to change individuals' attitude toward an object or an issue, which refers to the categorization of an object or an issue along an evaluative dimension.
- **Behaviour:** Persuasion can be used to alter individuals' behaviour, which is the overt actions regarding an object or an issue.

Famous theorist, Perloff explained persuasion a symbolic process in which communicators try to persuade other people to change their attitudes or behaviours regarding an issue through the transmission of a message in an atmosphere of free choice.

Prime elements of his explanation of persuasion are that

- Persuasion is symbolic, utilizing words, images, sounds.
- It involves a deliberate attempt to influence others.

- Self-persuasion is a key. People are not coerced; they are instead free to choose.
- Methods of conveying persuasive messages can occur in various ways that include verbally and nonverbally via television, radio, Internet or face-to-face communication.

Persuasive psychological manipulation techniques:

There are some classic persuasion techniques that are frequently used.

Foot-in-the-Door:

The persuasion technique foot-in-the-door, which begins with a small request in order to gain eventual compliance with larger requests. The foot in the door technique assumes agreeing to a small request increases the likelihood of agreeing to a second, larger request

Low-Balling:

Low-balling is a persuasion practice that intentionally offers a product at a lower price than one intends to charge. Low-balling is successful technique to convince people to pay a higher price by ensuring buy-in at a lower level. Once people have made a decision to purchase something, their need to be consistent in behaviour assures their choice was right, even if the price is later increased. The low-balling technique is very common in auto sales. Main success factor in low-balling is not only to make the initial offer attractive enough to gain compliance, but also to not make the second offer so excessive that it's refused.

Door-in-the-Face:

The persuasion technique, door-in-the-face begins with a large, typically unreasonable request in order to gain eventual compliance with a smaller request. The door-in-the-face technique works by first making a request that is excessive and likely to be refused. Major objective is to get people to agree to the second, smaller request, which may seem very reasonable because it is compared to the first, larger request. Also, when people refuse the first request, they may feel guilty. The second request gives them an opportunity to get rid of that guilt. So, they are much more likely to say yes.

Foot in the mouth:

In this technique, by telling someone that person feel wonderful, he may make himself feel committed to behave in a way that is consistent with that declaration.

That's Not All (TNA):

This technique of 'That's not all folks' talks about discounts, incentives and little perks. That's Not All process capitalize on the reciprocity principle and involves the persuader giving the person something that will further convince them to comply with the request. In this technique person is offered product at high price, not allowing them to respond for a short while and then offering them a better deal by offering another product or lowering the price.

Fear than relief:

In this technique, fear is invoked in the other person. Then, when they seek a solution, provide one that leads them in the direction you choose. Fear is invoked by threatening needs. Relief may be gained by doing what you request. Relief may also be given 'freely' to create trust and invoke the rules of social exchange.

Scarcity & Reactance Theory:

Persuasion technique, scarcity uses the perception of limited availability to tempt interest or competition. Research studies on persuasion defined as change in attitudes or beliefs based on information received from others, focuses on written or spoken messages sent from source to recipient. These researches based on the assumption that individuals process messages carefully whenever they are motivated and able to do so. There are two types of theories in modern persuasion research that include the elaboration likelihood model and heuristic-systemic models.

The elaboration likelihood model:

The elaboration likelihood model created by Cacioppo, Petty, and Stoltenberg is most widely used in therapeutic and counselling settings. It designates that the amount and nature of thinking that a person does about a message will affect the kind of persuasion that the message produces. Aspects of the persuasion situation for this model include source, message, recipient, affect, channel, and context. Main importance is the degree to which the recipient views the message's issue as relevant to himself. This model has established its utility in persuading various people to make various types of healthier choices such as in cancer patients, those at risk from HIV/AIDS and adolescents at risk from tobacco use.

Heuristic-systemic:

Heuristic-systemic models suggest that argument strength will be most effective in persuading an individual when she is inspired and able to attend to the message. When the target individual is not motivated or is unable to attend carefully, persuasion will take place through more indirect means such as nonverbal cues or source credibility. Persuasion that occurs through the systemic route will be comparatively permanent. Persuasion through the heuristic route is more likely to be temporary.

Attribution theory of persuasion:

Attribution is a technique by which individuals clarify the causes of behaviour and events. Attribution theory is the study of models to explain those processes. Humans try to explain the actions of others through either dispositional attribution or situational attribution. Dispositional attribution, also known as internal attribution, attempts to indicate a person's traits, abilities, motives, or dispositions as a cause or explanation for their actions. Situational attribution, generally called as to as external attribution, attempts to point to the context around the person and factors of his surroundings, particularly things that are completely out of his control.

Fundamental attribution error is people's tendency to place an unnecessary emphasis on internal characteristics (dispositional explanations) to explain other person's behaviour in a given situation, instead of considering external factors (situational explanations). Generally, people tend to make dispositional attributions more often than situational attributions when trying to explain or understand a person's behaviour. This happens when people are much more focused on the individual because they do not know much about their situation.

In order to persuade others, people tend to explain positive behaviours and accomplishments with dispositional attribution, but their own negative behaviours and shortcomings with situational attributions.

Classical conditioning as a persuasion process:

Conditioning also plays vital role in the persuasion. It is more often about leading someone into taking certain actions of their own, rather than giving direct commands. It is useful in advertisement of products. This conditioning is thought to affect how people view certain products, knowing that most purchases are made on the basis of emotion.

Cognitive dissonance theory in persuasion:

Cognitive dissonance is the mental stress or uneasiness experienced by an individual who holds two or more contradictory views, ideas, or values at the same time, or is confronted by new information that conflicts with existing beliefs, ideas, or values. Human beings continually struggle for mental consistency. Their cognition (thoughts, beliefs, or attitudes) can be in agreement, unrelated, or in disagreement with each other. These mental processes can also be in agreement or disagreement with our behaviours. When people detect conflicting cognition, i.e. dissonance, it gives them a sense of incompleteness and discomfort. People are motivated to decrease this dissonance until their cognition is in harmony with itself. There are four main ways to reduce or eliminate dissonance:

- Changing minds about one of the facets of cognition.
- Reducing the importance of cognition.
- Increasing the overlap between the two.
- Re-evaluating the cost/reward.

Elaboration likelihood model: Persuasion has usually been associated with two routes. Central route: Whereby an individual evaluates information presented to them based on the pros and cons of it and how well it supports their values. Peripheral route: Change is mediated by how attractive the source of communication is and by bypassing the deliberation process.

Effects of Persuasion

Miller suggested that communications exert three different persuasive effects: shaping, reinforcing, and changing responses.

- **Shaping:** Attitudes are "shaped" by associating pleasurable environments with a product, person, or idea.
- **Reinforcing:** Contrary to popular opinion, many persuasive communications are not designed to convert people, but to reinforce a position they already hold.
- **Changing:** This is perhaps the most important persuasive impact and the one that comes most frequently to mind when we think of persuasion. Communications can and do change in attitudes.

Persuasion is an effective technique to influence a person's principles, attitudes, intentions, motivations, or behaviours. Persuasion is a process that intended at changing a person's outlook or behaviour toward some event, idea, object, or other person. Systematic persua-

sion is the process through which attitudes or beliefs are changed by appeals to logic and reason. There are numerous persuasion techniques used in business settings such as low balling, foot in the door, door in the face and others to persuade clients.

In theoretical models, Heuristic persuasion is popular. It is the process through which attitudes or beliefs are changed because of appeals to habit or emotion. Process of persuasion is to change a reader's attitude, beliefs or action in persuader's favour. It is a symbolic process in which communicators try to convince other people to alter their attitudes or behaviour regarding an issue through the transmission of a message, in an atmosphere of free choice.



ETHICS

UNIT-3

ATTITUDE & FOUNDATIONAL VALUES

APTITUDE

Aptitude is an innate inherent capacity to perform a task or learn a skill. **An aptitude is a component of a competence to do a certain kind of work at a certain level.** Outstanding aptitude can be considered as “talent.” An aptitude may be physical or mental. **Aptitude is inborn potential to do certain kinds of work whether developed or undeveloped.** Aptitude generally has three manifestations viz. **intellectual aptitude, moral aptitude and emotional aptitude.**

The innate nature of aptitude is in contrast to skills and achievement, which represent knowledge or ability that is gained through learning.

Aptitude is considered as natural capability for doing a particular work or solving a particular problem or facing a particular problem or facing a particular situation.

Aptitude often helps in understanding the reason behind aptness or suitability of a person in a particular field. Every occupation, whether it is administrative, engineering, entertainment, sports, medicine, law or management, uses certain aptitudes. The work you are most likely to enjoy and be successful in is work that uses your aptitudes (innate capacities). For example, if you are a lawyer but you do not possess aptitudes required in the legal profession, your work might seem unrewarding. If you lack the lawyer’s aptitudes, your work may be difficult or unpleasant.

Aptitude is an innate potential that helps in creating and developing

- Conceptualization and creativity
- Leadership and adaptability

- Critical thinking and problem solving
- Technical and inter-personal skills
- Coordination and collaboration
- Brainstorming and trouble shooting

Difference between Skill and Aptitude

Difference between skill and aptitude is that skill is capacity to do something well; Skills are usually acquired or learned, as opposed to abilities, which are often thought of as innate while aptitude is natural ability to acquire knowledge or skill.

Difference between Interest and Aptitude

Interest and aptitude are not the same thing. You may be interested in sports, but if you have low level of sporting calibre, then you’re unlikely to show much aptitude for it, so you have a low potential for success.

On the other hand, a high aptitude for a certain hobby or profession also doesn’t guarantee success. A person generally has to be interested in something to be motivated to do it well.

When using aptitude tests, it’s important to remember that both interest and aptitude are necessary conditions for successful performance – but neither is sufficient on its own.

Attitude vs Aptitude

- While attitude is positive / negative / indifferent feeling towards a person, object, event or idea; aptitude is a competency to do certain kind of work. Both attitude and aptitude can be nurtured.

- While attitude is associated with character or virtues; aptitude is associated with competence.
- While attitude underpins the character, virtues and moral values; aptitude determines if the person would develop desired skills to do a task.
- While attitude is a psychological phenomenon aptitude is both mental and physical.
- Attitude is a psychological phenomenon which can be positive, negative or neutral. On the other hand, aptitude can be mental (general mental ability) or physical (Physical ability).
- Aptitude remains fixed and determinate throughout our lives; however, the attitude may undergo continuous changes depending upon the consequences of past actions and knowledge gained from external sources.

What is more important in life Attitude or Aptitude?

Ideally an organisation would like to hire people with both the right attitude and the right aptitude. However, if the organisation is to choose one of those two it will choose the person with the right attitude every time.

This approach is backed up by studies which have shown that 80 percent of our success is attitude. This means that aptitude only accounts for a paltry 20 percent of our success.

Why attitude should be given preference over aptitude?

It's easier to train aptitude than attitude. When people have the right attitude they are both motivated and adaptable which makes them more open to learning new skills. With the right attitude and enough effort most new skills can be mastered quickly. Whereas improving attitude is often about changing behaviours which is always much more difficult to do, as people resist change and without the right attitude this is unlikely to happen.

When a positive mindset is undertaken, performance on nearly every level productivity, creativity and engagement improves. Thomas Edison once said, "Genius is one percent inspiration and ninety-nine percent perspiration." Therefore, to succeed in life, a positive attitude towards hard work and perseverance are extremely important. 'Aptitude without attitude is blind; Attitude without aptitude is lame'.

Why attitude and aptitude both are necessary for a civil servant?

For a civil servant both these qualities, i.e., aptitude and attitude are of equal importance as they go hand in hand in developing a personality which inculcates a sense of service. A civil servant must have an aptitude/ability to do his job as well as an attitude to do his duty, i.e., to serve the people.

The dynamic field of new public administration with increasing use of technology for efficient delivery of services requires not only an attitude to adapt oneself to the changing environment and demands of the job, but also an aptitude to learn quickly to perform one's job in the most efficient way. In the field of public service, a civil servant needs to deal with a variety of stakeholders with different temperaments like seniors, subordinates, politicians, community leaders as well as common people. Here, attitudinal attributes like flexibility, patience, perseverance are as much important as aptitude related qualities like focus, team building, prudence and negotiation ability for efficient discharge of one's duty.

In a diverse country like India, where social and religious tensions and conflicts can be of frequent occurrence, a civil servant would require not only an attitude of tolerance, but also skills of leadership and persuasion to establish peace and order.

Aptitude desirable in a civil servant

The civil services form the permanent structure and backbone of the administration. A qualitative, professional, skilled and committed workforce is, hence imperative to maintain the high standards of public administration. „

In Indian public administration, the civil servants are entrusted with a diverse set of responsibilities such as from simple administrative and clerical tasks to complex decision making, policy implementation and serving as a link between government and citizens. Hence, it is vital for civil servants to possess diverse skills such as grasping capabilities, good analytical skills, and ability to establish collaborative networks and successful teamwork. „

In public administration, leaders face different kind of problems and challenges every day such as high unemployment, and insufficient government spending, fast changing socio-economic scenario, etc. Laws and administrative rules cannot explain everything and leaders cannot always mimic previous successes because the elements affecting each challenge change day to day. In such cases a civil servant needs abundance of impromptu

tu decision making skills and critical thinking ability to exercise discretion with conviction. „ The emerging concept of e-governance and motto of ‘Less Government More Governance’, demand transformational changes in the machinery of government as well as in the work style and orientation of government officials. With the role and functions of administrators having become swiftly changing and increasingly challenging, civil servants must be equipped with the necessary skills and capabilities to meet these new challenges.

They must have the aptitude to master new technologies and new styles of functioning. They should serve as the ‘Agents of Change’ to catalyse reform initiatives. In a diverse country like India, the civil servants often face complex and often contrasting socio-economic objectives and challenges often creating a deep sense of moral/ethical dilemma in them about their own duties and functions.

This demands an inherent aptitude to prevail over contradictions, solve the dilemmas and keep up the spirit to perform in spite of adverse circumstances. Under the framework of ‘inclusive governance’ administrators need to build teams across diverse stakeholders. For example, to create a favourable business climate, an economic development director needs to bring together local business leaders, the Chamber of Commerce and also environmental advocates. This demands a civil servant to possess an ability to receive and act upon feedback as well as effective interpersonal skills to bridge the gaps and encourage collaboration for a common objective.

With the advent of the new public administration and increasing diversity in the administrative field, an administrator needs to adorn both physical and mental aptitude.

He should have both General Mental Ability (basic thinking capacity and learning ability to perform any intellectual task) as well as desired value system of public administration to perform his duty, not only efficiently, but also effectively. Some of the desired aptitudes in public services include

- Excellent organisation and negotiating skills
- Creativity and flexible thinking
- Leadership skills
- Decision-making ability
- Ability to lead a team or work in a team
- The ability to breakdown a complex problem at hand
- Good communication skills to bridge communication gaps

- Time-management skills and ability to meet deadlines
- The ability to organise and prioritise workload
- Logical and rational approach towards administrative problems
- Scientific temperament
- Basic awareness about technology, economy and geography
- High level of professionalism
- Art of persuasion and ability to negotiate under tough circumstances without sacrificing public interest

Good aptitude and positive attitude makes the bureaucracy efficient, effective and responsive to the needs of the people.

Foundational values for civil service

Civil/public service values are those values which are created and sustained by the government on behalf of the public. These are the principles on which government and policies should be based on. Adherence to foundational values such as integrity, objectivity, non-partisanship, tolerance, compassion, dedication to public service, etc., serve as guiding principles for civil servants in the discharge of public service duties. Moreover, they provide normative consensus about the rights and benefits to which citizens are entitled to.

In India, civil service values have evolved over years of tradition. Values like integrity and devotion to duty, etc., have been mentioned in Central Civil Services (Conduct) Rules, 1964 and the All India Services (Conduct) Rules, 1968 which a civil servant must follow in his/her tenure of service to the nation. Meanwhile, the Draft Public Service Bill, 2007 enumerated certain values which should guide the public servants in the discharge of their functions. These include allegiance to the various ideals enshrined in the Preamble to the Constitution, apolitical functioning, good governance for betterment of the people to be the primary goal of civil service, duty to act objectively and impartially, accountability and transparency in decision-making, maintenance of the highest ethical standards, merit to be the criteria for selection of civil servants, avoidance of wastage in expenditure, etc.

However, the most important guide for the development of a Code of Ethics for public services has been the recommendations made in the 10th Report of Second Administrative Reforms Commission. The Commission recommended that in addition to upholding the constitutional spirit, the civil servants shall be guided by the

values which include adherence to the highest standards of integrity and conduct; impartiality and non-partisanship; objectivity; dedication to public service; and empathy and compassion towards the weaker sections.

Integrity

What is the meaning of Integrity?

The word integrity is derived from the Latin word “**integritas**” meaning “**wholeness**” or “**completeness**”. **Integrity refers to the inner sense of “wholeness of character” that occurs due to the continued adherence to values and moral principles.**

In other words **integrity is the practice of showing a consistent and uncompromising adherence to strong moral principles and values. Integrity means doing the right thing all the time and in all circumstances.** Integrity is often defined as - “**Doing the right thing when nobody is watching**”.

Integrity is a foundational moral virtue and bedrock upon which a good character is built. Integrity is manifested when people act virtuously regardless of circumstances or consequences. **For example if a person is honest at all times and under all circumstances, that person is a ‘man of integrity’.**

It takes courage to do the right thing all the time irrespective of the consequences hence **Fortitude and integrity are often present side by side.** Having integrity means you are true to yourself and would do nothing that demeans and dishonours you.

Difference between Honesty and Integrity

Honesty is “truthfulness” or freedom from deception and fraud, fair and straight forward conduct. The difference between honesty and integrity is, honesty simply means telling the truth, while integrity means having high moral character and living by a strict set of ethics and principles.

Honesty is certainly a virtue, but the demands of honesty are not as rigorous as those of integrity. For instance a person might honestly sell a product that has not been thoroughly tested under the premise that the product has not been shown to be unsafe. However to act with integrity a person would have to either

- Explicitly warn the customer that the product is untested or
- Refrain from selling the product entirely, if there was any possibility that the product may harm the customer

Honesty

This car is a fine car we have received no complaints yet!!



Integrity

I would like to inform you that though we have not received any complaints yet regarding this car... Some of its security features are not tested properly...



Thus one can be honest and immoral at the same time. Honesty is momentary and often based on rules and regulation, whereas integrity is eternal and value-based. Hence a key difference between honesty and integrity is that, **one cannot have integrity without honesty but one can be honest without integrity.** Depending upon one’s values, integrity may sometimes demand action, honesty, on the other hand, only demands that the person refrains from lying.

Why integrity is essential for a civil servant?

- A highly skilled officer who lacks in integrity will always utilise his skill to ensure his own private gains instead of public welfare
- Only when officers have integrity they can deliver justice and build a welfare state.
- The quality of administration will be compromised if the civil servants lack integrity and

this can result in erosion of faith of the people in the government and administration.

Impartiality and Non-partisanship

What is the meaning of Impartiality?

Impartiality is a principle of justice holding that decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or preference of one person/entity/organisation over another for improper reasons. Hence impartiality is also called as even-handedness or fair-mindedness.

In simple words impartiality means that all decisions should be based on merit alone. Impartiality can be thought of a situation where there is complete absence of favouritism.

Let us understand the principle of impartiality with the help of an example

He has an excellent batting average, good technique and a brilliant strike rate, he can win us matches. He is in!



Suppose **Mr. X** -the chief-selector of the Indian cricket team- is responsible for selecting a 15-member squad for the upcoming world T20 tournament. If Mr. X selects the players solely on the basis of their previous performances and potential, his selection is fair or impartial

I know he has got problems against the short-pitched deliveries. I don't care about his batting average or strike rate, he is from my region. Therefore he is into the team.



But if **Mr. X**, rather than selecting the team on the basis of performances or potential, **prefers players of one region over other regions his decision is partial and biased towards one particular region.** Under such a situation we can conclude that **Mr. X has not selected the team on the basis of merit alone.** Infact his selection was regionally biased and full of prejudice.

Why impartiality is necessary for a civil servant?

An **administrator**, during the discharge of his official duties, **has to take several key decisions** regarding **recruitment, procurement, allotment and delivery of public goods or services.** These decisions should be based on merit alone. In other words the administrator should take these decisions by keeping the principle of impartiality in mind.

As the administrator enjoys certain discretionary powers, his decisions should be free from biasness and prejudice. He should not show favouritism while taking these decisions.

The community has the right to expect that the civil servants function impartially and fairly. Impartiality enables the administrator to **bridge the gaps of trust deficit** between the people and the Government. So **impartiality increases the faith of the people in the system.**

What is the meaning of Non-Partisanship?

Non-partisanship refers to lack of affiliation towards any political group, organisation or party. Non-partisanship can be understood as **political neutrality.** In other words **non-partisanship is the practice of no involvement with any political party** even if the person has strong belief in any political ideology.

Non-partisanship implies that the administrator performs his duties without any fear or favour. He maintains an **apolitical attitude** while discharging his official duties. **The values of an administrator flow from the constitution and not from any political ideology.**

I am an IAS officer; I cherish the value of non-partisanship. I favour neither the right parties nor the left parties. I am not a supporter of centrist parties either. I am not an anarchist. I am just politically neutral. I remain away from politics.

Neither do I fear any political party nor do I favour any political party. I perform my duties honestly to the best of my abilities and **base all my decisions on objective criteria without any political bias.** While giving my advice to the government, I keep the people of India in my mind and not the political party which is in power or any other political party.

My commitment as an IAS officer is not towards any political party. I am committed to the Rule of Law and the Constitution of India. I am devoted to the service of my motherland and the people of India.



- If civil servants remain non-partisan they will provide the **right information to the ministers thereby helping the ministers to fulfil their constitutional obligation** in the parliament
- Above all non-partisanship helps in the **development of a professional bureaucracy** and **maintains the prestige of the civil services** in the eyes of the people.

Thus both impartiality and non-partisanship are foundational values in civil services.

Objectivity

Objectivity entails that a truth remains true universally, independently of human thought or approaches. It is established that objective decisions are not impacted by personal feelings or opinions in considering and representing facts. For instance, “2 plus 2 equals 4” is an objective fact as it remains true under all situations and everywhere. On the other hand, a subjective fact is one that is only true under certain conditions, at certain times, in certain places or for certain people. For example a certain song is good may be true for someone who likes it but not for everyone.

The words ‘objectivity’ and ‘subjectivity’ have different meanings according to whether we are speaking ontologically or epistemologically. Ontological statements are statements about what we think is real. Epistemological statements are statements about what we think is true.

In the realm of ontology, objective things are mind-independent and subjective things are mind-dependent. In other words, objective phenomena are those that exist outside of, or independently of, the human mind. This includes things like rocks, trees, physical bodies etc. Subjective things, on the other hand, exist only in the human mind. This includes thoughts, feelings, perceptions, motivations, desires, fears, dreams, and so on.

In the realm of epistemology, a statement is objectively true if it is true for all rational observers, that is, if all rational people, exposed to the same evidence, would be able to agree on the same conclusion. A statement is subjectivity true if even rational observers exposed to the same evidence would be unable to agree on the same conclusion.

So, for instance, a rose is objectively real – that is, ontologically objective – because it is a physical object which exists independently of the human mind. A statement like “this rose has seven thorns on its stem” is epistemo-

Why Non-Partisanship is essential for a civil servant?

- Non-partisanship **strengthens the democratic procedure by facilitating a smooth transition** between governments, and thereby helps in the continuation of good-governance.
- Non-partisanship ensures that **objective and evidence-based advice** is provided at all times to the ministers and thus **ensuring that the efficacy of the administration** is always maintained.
- **If the administrator is inclined towards any political party, there would always be a group within the administration which would remain alienated** from the government services as they would have voted for the losing party.
- **Non-partisanship strongly attracts other pre-requisites of noble administration** like **transparency** and **honesty**.

logically objective because it can be verified and agreed on by all rational observers. However, the statement “this rose is beautiful” is considered subjective because beauty is considered something that rational observers may legitimately disagree on.

Objectivity an essential ingredient for decision making

Taking an objective approach to an issue means having due regard for the known valid evidence (relevant facts, logical implications and viewpoints and human purposes) pertaining to that issue.

Objective decisions are not influenced by personal feelings or opinions in considering and representing facts. Taking an objective approach to an issue means having due regard for the known valid evidence (relevant facts, logical implications and viewpoints and human purposes) pertaining to that issue. If relevant valid evidence is denied or falsified, an objective approach is impossible. An objective approach is particularly important in science, and in decision-making processes which affect large numbers of people (e.g. politics, bureaucracy).

In decisions affecting large numbers of people (such as in politics, administration) ignoring relevant evidence or alternative interpretations could lead to policies which, although perhaps well intentioned, have the opposite effect of what was really intended.

- Taking an “objective approach” may not always be relevant, particularly in cases where it is impossible to be objective either because the relevant facts and viewpoints necessary are lacking, or because it is the subjective opinion or response that happens to be important.
- Sometimes an objective approach is impossible because people will naturally take a partisan, self-interested approach. That is, they will select out those views and facts which agree with their own. A scientist or politician may never be “neutral” (they may have a vested interest in particular theories or policies) but they might also take an objective approach in the sense of remaining open to alternative viewpoints and new evidence.
- Taking an objective approach often contrasts with arguments from authority, where it is argued that X is true because an authority Y says so. The presumption is that Y is an authority capable of taking the most objective approach.

There’s a limit to our objectivity as human beings, but with practice and with solid strategies in place, one can make the most objective decision possible

Dedication to Public Service

Dedication is the quality of being dedicated or committed to a task or purpose, thought or action. Dedication is an important personality characteristic of an individual. In organizational context, dedicated employees work towards achieving the organizational goals.

Dedication will carry person through a lack of motivation. It is his ability to continue acting when motivation is lacking. Dedication will drive to certain task rapidly. There are some occupation in which employees dedicate their lives to public service even sacrificing their personal life and comfort.

Difference between Dedication and Motivation

Motivation is the reason for self-engaging in a particular behaviour to achieve a purpose. It is the push of the mental forces or impulses to accomplish, to encourage an action you are pursuing.

Motivation doesn’t last. Motivated is generally a short-term state. Motivation may get you started, but it certainly won’t finish the job. That is why it is recommended to be motivated daily. We are inspired by possibilities, encouragements, even necessities.

Motivation is generally based on the reward gained by performing a certain action. Motivation will push you to get started and may carry you into the first stages of accomplishing a goal. However, it soon drops off and may show up again later in the process. The reason for this drop in motivation is simple. Without any obvious benefits from our actions, the brain doesn’t send the same signals.

Dedication will carry you through a lack of motivation. It is your ability to continue acting when motivation is lacking. Motivation will bring you to base camp; dedication will drive you up the mountain. Self-motivation is a driving force within you that activates your actions without being directed by others. It is a fire from within—a burning desire, so to speak. Becoming self-motivated gives you the power to decide. You make your own choices and hold yourself responsible/accountable to the results from your activities or inactivity.

Intrinsic Motivation vs Extrinsic Motivation

When considering motivation vs dedication, contenders need to understand the different types of motivation that impacts their decisions: intrinsic motivation and extrinsic motivation. Intrinsic motivation is something inside of yourself that motivates you. Extrinsic motivation is something external that you perceive as a reward.

For example, consider high school students who are putting in hard work to improve their reading and writing skills. Their motivation and engagement can come from a number of sources. A student who is experiencing extrinsic motivation may be trying to improve their literacy skills with such determination because they don't want their parents to be mad at them or they're trying to get into an Ivy League university. Those are external motivators impacting their engagement and dedication.

Alternatively, some students might be spending time reading and writing because they have a passion for learning. They don't have to struggle with discipline to meet expectations. Rather, they enjoy how they feel when they accomplish literacy tasks. Thus, their determination is driven through intrinsic motivation.

Most people experience a mix of intrinsic motivation and extrinsic motivation when trying to reach their goals, though the most successful people stay motivated with a growth mindset that stems from intrinsic motivation and self-awareness. Even so, it's their commitment and dedication that earn them their rewards.

Perseverance and Commitment

- Perseverance is the act or quality of holding to a course of action, belief, or purpose. To persist or act in spite of opposition or discouragement is to persevere. Persevering means to keep going through a hard time without giving up.
- Commitment is an agreement to perform a particular activity at a certain time in the future under certain circumstances. Commitment is the act of binding yourself to a course of action. Commitment is action. No excuses. No debate. No lengthy analysis. No whining about how hard it is. No worrying about what others might think. No cowardly delays. Very often, we utilize this word in regard to proclamations we may make about the seriousness of our relationships. For example, "I'm committed to you" suggests that I may not be seeking another relationship.

Why dedication, perseverance and commitment is necessary in Civil Services ?

A civil servant may encounter several obstructions like social opposition against any programme, lack of support from political executive and complex situations that need utmost care and precautions. Without dedication to help, he/she may never be able to arrive at the best solution. For example: Schemes for promoting family planning are generally opposed in rural areas as they consider contraceptives as taboos. Without personal assurance and dedicated outreach, implementation of the scheme may never be realised. Public service often entails unforeseen or sudden situations that require one to be ready and provide quick assessment. A dedicated civil servant is aware of this and always devoted to give his best efforts in such situations.

A true civil servant ensures that no policy or action is taken at the cost of the welfare of public at large. Devoted to public service is what ensures an officer to oversee a credible and efficient policy formulation and implementation. For ex: One's colleagues may be involved in corruption, at the cost of a larger destruction to social welfare. Commitment to foundational values and concern for public will prevent this.

New innovative ideas and solutions to problems are required. They are not possible without dedication, perseverance and commitment. In India, where a large population is poverty-ridden, many are victims of social disadvantage and vulnerability, treating civil services as just another job may not give the civil servant the required encouragement and urge to eliminate this from the society. Only when the perseverance and dedication to service is inherent, can one effectively contribute.

Factors that determine dedication to public services

- **Institutionalisation:** This happens especially in case of Police and Army forces. Here a new recruit is so deeply institutionalised to deliver their duty through training/drills that it makes them ready for "Call of Duty". Also, the recruits are just like normal person while joining with intent of job and economical security, but with training and institutionalization they start taking nation's interest first.
- **Altruism and Self-Actualisation:** This can be found in statesman, noble doctors and honest civil servant. In this case, many people actually have Altruism as their trait and consider doing good for nation as self actualisation of their potential and calibre. They de-

vote their time, effort and even work-life balance using their management skill, team working and knowledge to strive for better and better results in public space. They consider their duty as of supreme priority and attain satisfaction on delivering it with nearest perfection.

- **Early Socialisation and Value development in an Individual:**-Individuals who were instilled values of patriotism, service and sacrifice in their childhood stage reflect them later by serving society. Their parents, school and community played a significant role in instilling such values to them.
- **Benevolence:** - Benevolence toward all is the ethical spirit of public administration. It is about public interest and business administration is about the private interest. "Without benevolence, public administration is merely governmental work. With benevolence, our field has a meaning and purpose beyond just doing a good job; the work we do becomes noble—a kind of civic virtue"

Apart from the above, other factors include Tolerance and Compassion towards weaker Section, Fearlessness and Courage, Spirit of Service and Sacrifice and a sense of Mission and Focus. The civil services are not like any other job it requires dedication and passion to serve the nation and its people.

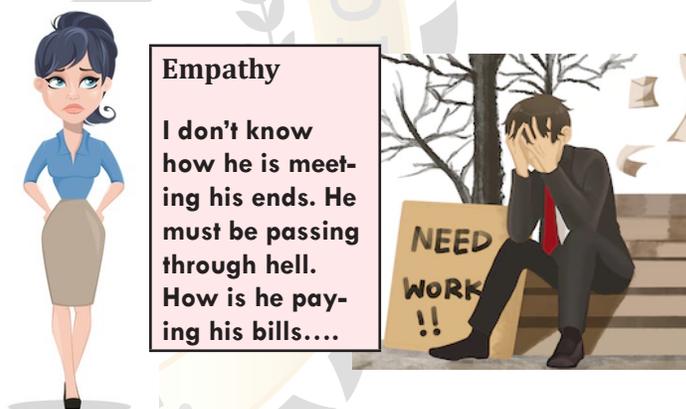
Sympathy, Empathy and Compassion

What is the meaning of Sympathy, Empathy and Compassion?

- **Sympathy refers to acknowledging and recognizing another person's hardships.** Sympathy is the feeling that you care about and are sorry about someone else's trouble, grief, misfortune etc.
- **Empathy refers to the experiencing of other person's hardships from that person's frame of reference.** In other words empathy is the ability to place oneself in another's shoes and then experience the pain that person is going through (from that person's point of view.)
- **Compassion refers to a step further where the person not only feels empathy but also demonstrates an actual desire to help the suffering person.** Compassion is a kind of motivation or desire to help.

Let us take an example to understand the difference between sympathy, empathy and compassion.

Suppose your friend lost his job and he is in financial distress. If you recognize his distress and feel sorry about it you are exhibiting sympathy towards him but if you can feel his pain, by imagining his condition from his point of view, you are exhibiting empathy towards him. If you, rather than being a mere spectator, make active arrangements according to your capacity to help your friend in finding a job you are exhibiting Compassion towards your friend.



Let us take another example

Consider the issue of child labour. On seeing a child waiter in a restaurant if a person is just feeling sad, then he is sympathetic but if he also connects himself or his own children with the child waiter and experiences his hard-

ships from the child waiter's perspective, then he is empathetic. But if the person unleashes himself from only being a spectator and makes active arrangements according to his capacity like informing NGOs, counselling the parents of the child waiter, or making arrangements for his education then the person is exhibiting compassion towards that child.



Sympathy

It is terrible to see such a small kid working!.. I am feel so sorry for him...



Empathy

Has he eaten something? He must be in excruciating pain. He must be hungry... He doesn't deserve such a hard life...He must be in shambles!!!



Compassion

Under the RTE act every child has a fundamental right to go to school. I will ensure that this kid gets his rights..I will contact the district administration to ensure that he gets his due and his employers are punished according to law!

Why Empathy and Compassion are desirable in a Civil Servant?

- Empathy and Compassion makes a civil servant to serve not only from the head but also from the heart.
- It enables the civil servants to experience the hardships of the weak and the vulnerable sections like Divyangs, transgenders etc and take active steps to improve their condition. Thus help in the establishment of a welfare state.
- When civil servants are empathetic and compassionate the overall performance of the bureaucracy increases manifold
- It gives a human touch to an otherwise rule and regulation bound bureaucracy.
- An empathetic and compassionate bureaucracy generates goodwill in the hearts of the people with respect to the administration.

Tolerance

Tolerance makes it possible for people to coexist peacefully. It is the basis for a fair society in which everyone can lead their lives as they wish.

Tolerance is an important concept that helps people to live together peacefully. To be tolerant means that you accept other people's opinions and preferences, even when they live in a way that you don't agree with. Tolerance also means that you don't put your opinions above those of others, even when you are sure that you are right. Tolerant people show strength in that they can deal with different opinions and perspectives.

Freedom through tolerance

Tolerance doesn't just make peaceful coexistence possible, another advantage is that being open to other ways of thinking can help with personal development. When you know more about different thinking and ideas from around the world, it will help you to understand the world better.

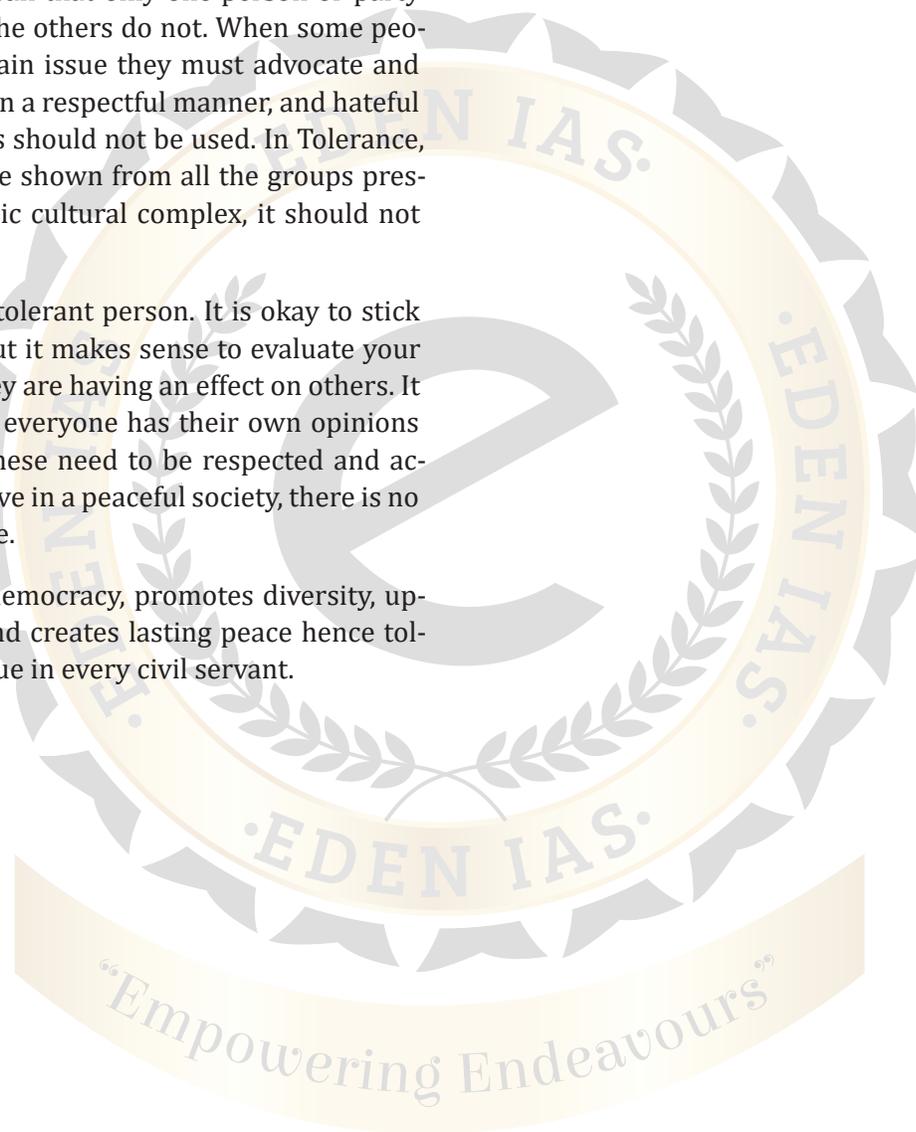
Teaching children about tolerance is the best gift that you can give them. Children shouldn't grow up with feelings of hate and suspicion. Children who grow up with hate and jealousy of others turn into unhappy people. And children who are forced to believe certain opinions will develop into people who aren't free or independent thinkers. If children experience love and tolerance, they will be able to grow up and lead a happy and peaceful life.

In this era of globalisation, where people of different backgrounds, cultures and religions are living together, and where the world has become multicultural and full of diversity, establishing tolerance and harmony has become very crucial and important, and fostering mutual love and affection has become vital. Without tolerance and harmony the lasting peace of societies cannot be maintained, and loyalty for each other cannot be established.

Tolerance does not mean that only one person or party shows tolerance and the others do not. When some people disagree on a certain issue they must advocate and express their opinion in a respectful manner, and hateful and provocative words should not be used. In Tolerance, to be effective, must be shown from all the groups present in a socio-economic cultural complex, it should not be a burden of the few.

It isn't simple to be a tolerant person. It is okay to stick to your own values, but it makes sense to evaluate your values, especially if they are having an effect on others. It needs to be clear that everyone has their own opinions and values and that these need to be respected and accepted. If we want to live in a peaceful society, there is no alternative to tolerance.

Tolerance celebrates democracy, promotes diversity, upholds human rights and creates lasting peace hence tolerance is a desired value in every civil servant.



ETHICS

UNIT-4

EMOTIONAL INTELLIGENCE

EMOTIONAL INTELLIGENCE

Emotional intelligence (sometimes referred to as EQ) is the ability to perceive, understand, express, and control emotions.

Emotional intelligence has been defined, by Peter Salovey and John Mayer, as “the ability to monitor one’s own and other people’s emotions, to discriminate between different emotions and label them appropriately, and to use emotional information to guide thinking and behaviour”.

The first use of the term “emotional intelligence” is usually attributed to Wayne Payne’s doctoral thesis, *A Study of Emotion: Developing Emotional Intelligence* in 1985. However, the concept was popularized in a 1995 book entitled “Emotional Intelligence -

Why it can matter more than IQ” by Daniel Goleman, in which he argues that emotional intelligence counts more for success in life than IQ does.

People with high EQ demonstrate a high level of self awareness, motivation, empathy, and social skills. Daniel Goleman believes that IQ is a threshold quality: It matters for entry- to high-level management jobs, but once you get there, it no longer helps leaders, because most leaders already have a high IQ. According to Goleman, what differentiates effective leaders from ineffective ones becomes their ability to control their own emotions and understand other people’s emotions, their internal motivation, and their social skills.

Difference between IQ and EQ

IQ is known as “Intelligence Quotient” and it’s a measure of a person’s relative intelligence. Emotional Quotient, also known as EQ, is the ability to identify and manage your emotions and the emotions of others.

Merriam-Webster defines IQ as “a number used to express the apparent relative intelligence of a person. Determined by either the ratio of the mental age (as reported on a standardized test) to the chronological age multiplied by 100 - or a score determined by one’s performance on a standardized intelligence test relative to the average performance of others of the same age. Emotional Intelligence is measured through assessments.

Traits of Emotional Intelligence (EI)

The term emotional intelligence was coined by Peter Salovey and John Mayer in 1990, who described it as consisting of five traits:

- **Emotional Self-Awareness:** The ability to monitor your own feelings and recognize emotional states as they occur.
- **Self-Management:** The ability to control impulses, ensure that emotional reactions are appropriate, and understand what underlies those feelings.
- **Self-Motivation:** The ability to channel emotions towards the achievement of personal goals. This includes the ability to delay gratification and stifle impulses.

- **Empathy:** The ability to read other people's emotional cues and to take their perspective, being sensitive to how their feelings may be different.
- **Managing Relationships:** The ability to react appropriately to the emotions of others as well as manage one's own; social competence.

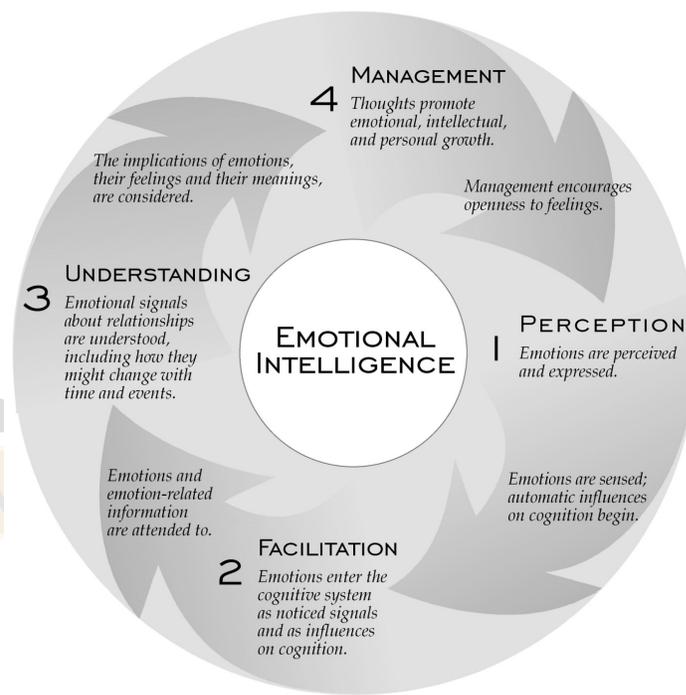
Models of Emotional Intelligence (EI)

There are three important models on Emotional Intelligence viz. the ability model, the mixed model, and the trait model.

THE ABILITY-BASED MODEL

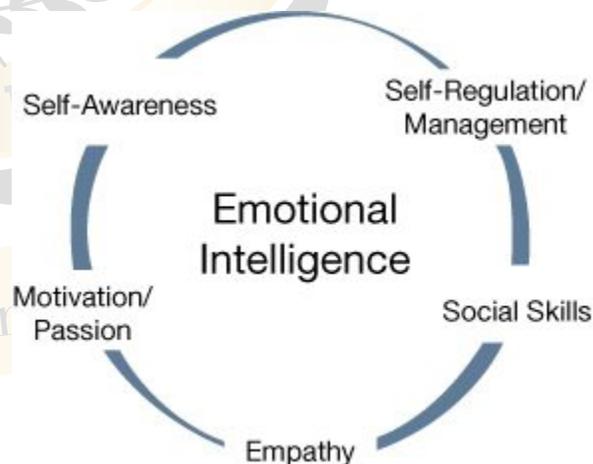
The ability-based model views emotions as useful sources of information that help one to make sense of and navigate the social environment. The model proposes that individuals vary in their ability to process information of an emotional nature and in their ability to relate emotional processing to a wider cognition. This ability is seen to manifest itself in certain adaptive behaviours. The model claims that EI includes four types of abilities

1. **Perceiving emotions** – the ability to detect and decipher emotions in faces, pictures, voices, and cultural artefacts—including the ability to identify one's own emotions. Perceiving emotions represents a basic aspect of emotional intelligence, as it makes all other processing of emotional information possible.
2. **Using or facilitating emotions** – the ability to harness emotions to facilitate various cognitive activities, such as thinking and problem solving. The emotionally intelligent person can capitalize fully upon his or her changing moods in order to best fit the task at hand.
3. **Understanding emotions** – the ability to comprehend emotion's language and to appreciate complicated relationships among emotions. For example, understanding emotions encompasses the ability to be sensitive to slight variations between emotions, and the ability to recognize and describe how emotions evolve over time.
4. **Managing emotions** – the ability to regulate emotions in both ourselves and in others. Therefore, the emotionally intelligent person can harness emotions, even negative ones, and manage them to achieve intended goals.



THE MIXED MODEL

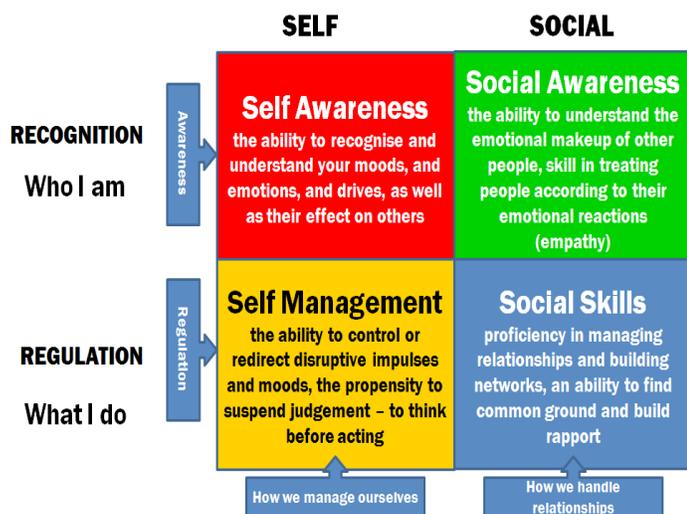
Another of the most popular models of Emotional Intelligence is that of the Mixed Model. Developed by Daniel Goleman, this model of Emotional Intelligence is heavily focused on defining Emotional Intelligence using a vast array of skills and competencies that affect leadership performance. Thus, the Mixed Model is often used in a corporate or other professional setting to train and evaluate management potential and skills. The Mixed Model outlines five essential Emotional Intelligence constructs:



- **Self-awareness** – the ability to know one's emotions, strengths, weaknesses, drives, values and goals and recognize their impact on others while using gut feelings to guide decisions.
- **Self-regulation / Self-management** – involves controlling or redirecting one's disruptive emotions and impulses and adapting to changing circumstances.

- **Social skill** – managing relationships to move people in the desired direction
- **Empathy** – considering other people’s feelings especially when making decision
- **Motivation** – being driven to achieve for the sake of achievement.

Emotional Intelligence



Goleman includes a set of emotional competencies within each construct of EI. Emotional competencies are not innate talents, but rather learned capabilities that must be worked on and can be developed to achieve outstanding performance. Goleman posits that individuals are born with a general emotional intelligence that determines their potential for learning emotional competencies.

Emotional competence refers to one’s ability to express or release one’s inner feelings (emotions). Emotional capital is the set of personal and social emotional competencies which constitute a resource inherent to the person, useful for the personal, professional and organizational development and takes part in social cohesion, to personal, social and economic success. Furthermore, because of its impact on performance (as at work), on well-being (life satisfaction, health etc) and on social cohesion and citizenship, emotional capital should be taken into account seriously by public and educational policy-makers and companies.

THE TRAIT MODEL

This model was developed by Konstantin Vasily Petrides. It breaks away from the previously mentioned emotional intelligence as an ability-based construct and establishes that people have as part of their personality, emotional traits or emotional self-perceptions.

Trait EI is defined as a constellation of emotional self-perceptions located at the lower levels of personality hierarchies and measured via the trait emotional intelligence questionnaire. In lay terms, trait EI refers to an individual’s self-perceptions of their emotional abilities. The trait EI facets are personality traits, as opposed to competencies or mental abilities or facilitators.

This definition of EI encompasses behavioural dispositions and self-perceived abilities and is measured by self report, as opposed to the ability based model which refers to actual abilities, which have proven highly resistant to scientific measurement. Trait EI should be investigated within a personality framework. Trait EI recognizes the inherent subjectivity of emotional experience. The trait EI model is general and subsumes the Goleman model.

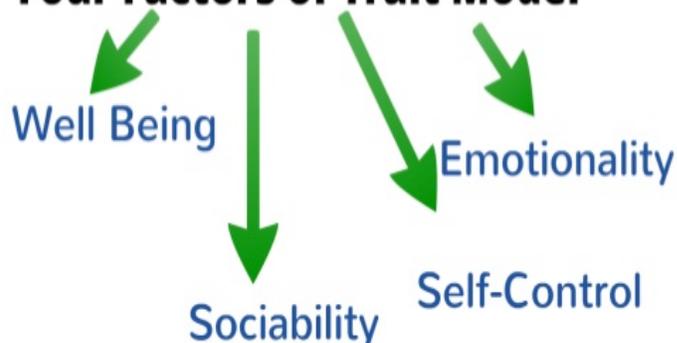


An alternative label for the same construct is trait emotional self-efficacy. Self-efficacy is the extent or strength of one’s belief in one’s own ability to complete tasks and reach goals.

Trait Model

- Proposed by Konstantinos Vasilis Petrides
- a constellation of emotional self-perceptions located at the lower levels of personality

Four Factors of Trait Model



Criticism of Emotional Intelligence

The following are the major criticisms regarding Emotional Intelligence (EI)

Cannot be recognized as form of intelligence

- Goleman's early work has been criticized for assuming from the beginning that EI is a type of intelligence.
- The essence of this criticism is that scientific inquiry depends on valid and consistent construct utilization, and that before the introduction of the term EI, psychologists had established theoretical distinctions between factors such as abilities and achievements, skills and habits, attitudes and values, and personality traits and emotional states. Thus, some scholars believe that the term EI merges and conflates such accepted concepts and definitions.
- Goleman tries to make us believe he is presenting something new, when in fact much of what he is reporting has been studied for years under personality research.

Confusing Skills with Moral Qualities

The common but mistaken perception of EI is that it is a desirable moral quality rather than a skill. A well-developed EI is not only an instrumental tool for accomplishing goals, but has a dark side as a weapon for manipulating others by robbing them of their capacity to reason.

EI has little predictive value

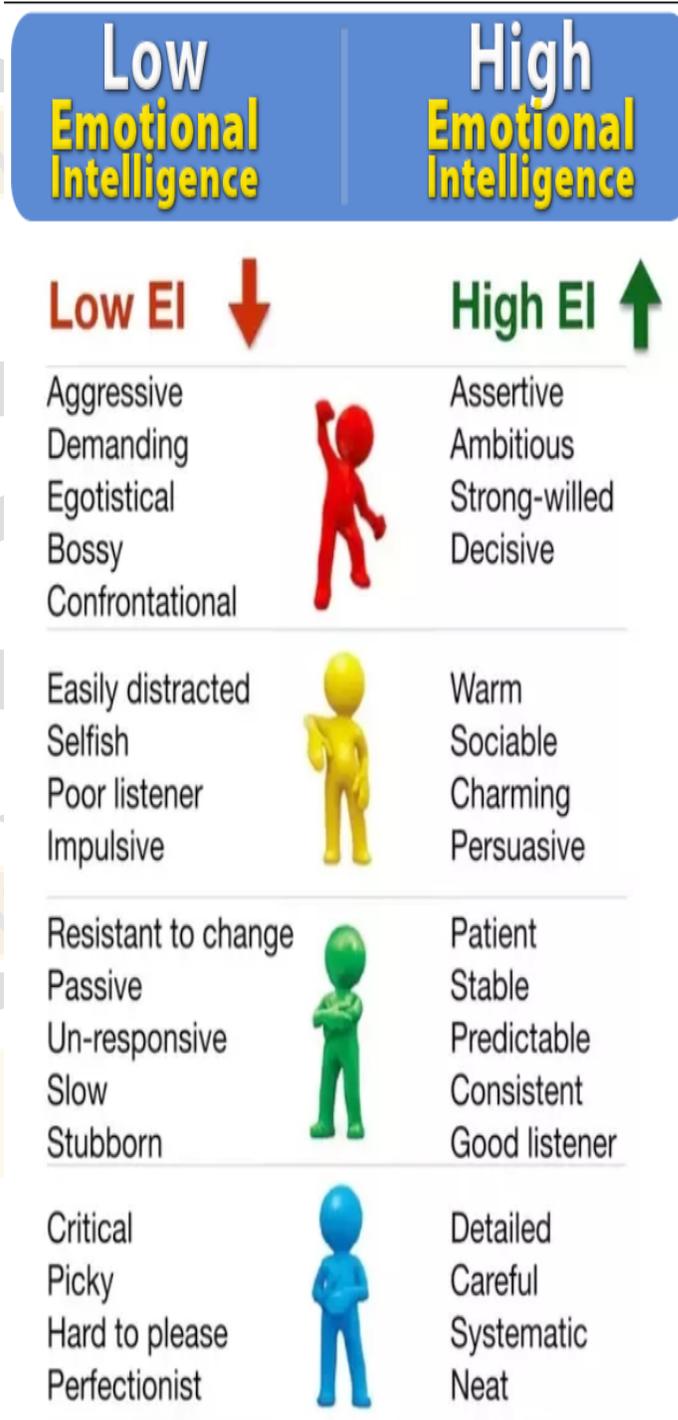
- Goleman made unsupported claims about the power and predictive ability of emotional intelligence.
- The studies conducted on EI have shown that it adds little or nothing to the explanation or prediction of some common outcomes (like work success).
- Similarly, many researchers have raised concerns about the extent to which self-report EI measures correlate with established personality dimensions.

Other Criticisms

- Goleman represents his work as "scientific" when it does not hold up to scientific scrutiny. Unlike IQ, emotional intelligence has no as definite objective test. (IQ, or intelligence quotient, is score derived from one of several standardized tests designed to assess an individual's intelligence.)
- He implies that anyone can learn emotional intelligence and fails to acknowledge either the relatively

fixed nature of the personality traits he includes in his definition of EI or the differences in innate potential among individuals.

- His personal beliefs about what is "appropriate" contradict the academic theory concerning the value of our emotions. He still seems to regard emotions as largely something to be controlled and restrained, rather than something to be valued.



Ways to improve Emotional Intelligence (EI)

- **Utilize an assertive style of communicating:** - Assertive communication goes a long way toward earning respect without coming across as too aggressive or too passive. Emotionally intelligent people know how to communicate their opinions and needs in a direct way while still respecting others.
- **Respond instead of reacting to conflict:** - During instances of conflict, emotional outbursts and feelings of anger are common. The emotionally intelligent person knows how to stay calm during stressful situations. They don't make impulsive decisions that can lead to even bigger problems. They understand that in times of conflict the goal is a resolution, and they make a conscious choice to focus on ensuring that their actions and words are in alignment with that.
- **Utilize active listening skills:** - In conversations, emotionally intelligent people listen for clarity instead of just waiting for their turn to speak.
- **Be motivated:** - Emotionally intelligent people are self-motivated and their attitude motivates others. They set goals and are resilient in the face of challenges.
- **Practice ways to maintain a positive attitude:** - Emotionally intelligent people have an awareness of the moods of those around them and guard their attitude accordingly.
- **Practice self-awareness:** - Emotionally intelligent people are self-aware and intuitive. They are aware of their own emotions and how they can affect those around them. They also pick up on others' emotions and body language and use that information to enhance their communication skills.
- **Take critique well:** - An important part of increasing your emotional intelligence is to be able to take critique. Instead of getting offended or defensive, high EQ people take a few moments to understand where the critique is coming from, how it is affecting others or their own performance and how they can constructively resolve any issues.
- **Empathize with others:** - Emotionally intelligent people know how to empathize. They understand that empathy is a trait that shows emotional strength, not weakness. Empathy helps them to relate to others on a basic human level. It opens the door for mutual respect and understanding between people with differing opinions and situations.
- **Utilize leadership skills:** - Emotionally intelligent people have excellent leadership skills. They have high standards for themselves and set an example for others to follow. They take initiative and have great decision making and problem-solving skills. This allows for a higher and more productive level of performance in life and at work.
- **Be approachable and sociable:** - Emotionally intelligent people come off as approachable. They smile and give off a positive presence. They utilize appropriate social skills based on their relationship with whomever they are around. They have great interpersonal skills and know how to communicate clearly, whether the communication is verbal or nonverbal.

Utilities and Application of Emotional Intelligence in Administration and Governance

Emotional Intelligence (EI) can be a valuable tool a administrator and managers in government or any company. Since research on Emotional Intelligence began, results overwhelmingly show that people high in various combinations of emotional competencies out-perform people who are weak in those areas.

Emotional Intelligence has a significant impact on team member relationships and their effectiveness in reaching a team's goals. Understanding our own EI strengths and weaknesses, as well as those of other team members, provides a means for improving the interpersonal dynamics of teamwork.

Emotional Intelligence significantly influences how we go about solving interpersonal problems. Thus, conflict in organizations often stems from EI differences. Understanding how to use our EI more effectively helps us solve interpersonal problems more effectively and efficiently and increases the overall effectiveness of work teams. When people understand the basics of how they are different from each other and their strengths and weaknesses, they can take steps to reduce conflict and become more accepting.

Emotional intelligence is significant for Public servants due to a number of reasons, some of them are listed below:

- EI helps in better targeting of Beneficiary schemes.
- EI helps in motivating the sub-ordinates especially under exigent or demanding situations.

- EI helps in appreciating the challenges of public services better and helps in reducing stress.
- EI helps in engendering policies that bring tangible improvements in the lives of the vulnerable sections of the society.
- EI act as a viable device to take relevant and sound decisions.
- EI helps in bridges the communication gap and reduces the chances of mis-communication.
- EI imparts flexibility, empathy and clarity.



ETHICS

UNIT-5

ETHICS IN PUBLIC ADMINISTRATION

Ethical Concerns in Public Administration

Ethics is a system of accepted beliefs, principles and values that control and govern human behaviour. The study of ethics includes both the 'science of the good' and 'the nature of the right'.

The ethical concerns of governance have always been underscored widely in both Indian and Western moral philosophy. Indian scriptures and treaties like Ramayana, Mahabharata, Bhagvat Gita, Buddha Charita, Arthashastra, Manusmriti, Tirukkural, Kadambari, Rajtarangini, Panchatantra and Hitopadesh are full of ethical guidelines and prescribe virtues for mankind.

The western moral thought is full of ethical guidelines to rulers, whether in Monarchy or in a Democracy. Such concerns are found in the writings of Plato, Aristotle, John Stuart Mill, John Locke, Thomas Hobbes and others. The significance of ethics in public administration is also reflected in the texts and ideas of Chinese scholars like Lao Tsu, Confucius and Mencius.

The wisdom behind 'Administrative Ethics' is that the Public Administrators are the 'Guardians' of 'Public Trust'. Hence, they are expected to honour Public Trust and not violate it. **Administrative Ethics provides the moral framework that helps the administrators in guarding the 'Public Trust' effectively.**

However, two questions are often raised in this context

1. Why should the guardian be guarded?
2. Who guards the guardian?

The administrators need to be guarded against their tendency to misconceive public interest, promote self-interest, indulge in corruption and cause subversion of

national interest. The administrators are guarded by external institutions such as Judiciary, Legislature, Political Executive, the Media, the Civil Society etc. These External institutions become the instruments that enforce administrative accountability.

Ethical Concerns in Administrative Theory

Public Administration as a discipline is influenced by both political science and the science of management. **The philosophical premises of Public administration were primarily influenced by Political Science its technological dimension drew inspiration from Management Sciences.** The early political science was taught as Moral Philosophy and Political Economy, while its current curriculum is the product of **secular, empirical and 'scientific' orientations** of the past century.

The students of Political Science in USA were dismayed at the inadequacies of the ethical approach in the Gilded Age and due to their interactions with German Universities and by the virtue of the influence on their thinking by scholars such as Hart, Lovell and Goodnow they sought to recreate political science as a true science. **The idea was to observe and analyse 'actual governments' rather than 'moral governments.'**

Later Philosophical movements like 'Logical Positivism' influenced scholars and students to develop a 'science of politics' and 'science of administration' that would be able to predict and control political life and administrative life respectively.

Dwight Waldo commented on this change in approach as- **"The old belief that good government of moral men was thus replaced by proper institutions and expert personnel as determining factors of good government"**

The eminence of **Behaviouralism** until the mid-1960s further marginalized the ethical issues in the study of political science and public administration. **It was only after the advent of post-behaviouralism in Political Science and the emergence of New Public Administration that the scientific methods and humanistic-ethical values struck a homogenous chord and the dispute between facts and values was resolved finally.**

The current discipline of Public Administration accords importance to value of equity, justice, humanism, human rights, gender equality and compassion. The movement of '**Good Governance**' initiated by the **World Bank in 1992** lays stress, inter alia, on the ethical and moral conduct of administrators.

While the New Public Management movement is more concerned with administrative effectiveness, the New Public Administration movement focuses on administrative ethics in its broader manifestation. Both the movements are destined to co-exist.

The significance of Ethics in Public Administration can be summed up in the following quote of John F Kennedy

“No responsibility of government is more fundamental than the responsibility of maintaining the higher standards of ethical behaviour”

John F Kennedy

The Bureaucratic Theory of Max Weber

The ideal-type construction of bureaucracy, propounded by Max Weber, highlighted an ethical imperative of bureaucratic behaviour. Weber underscores the need to check the misuse of an official position for personal gains.



MAX WEBER

Max-Weber's six characteristics of bureaucracy

1. **Task Specialization (Division of Labour)**
2. **Hierarchical layers of Authority**
3. **Formal Selection Process**
4. **Rules and Requirements**
5. **Impersonality and Personal indifference**
6. **Achievement based career orientation**

Max Weber was a German sociologist, jurist, and political economist who argued bureaucracy was the most efficient and rational model private businesses and public offices could operate in. His bureaucratic theories influenced generations of business leaders and politicians well into the 20th century.

According to Weber, these are the six characteristics of bureaucracy:

1. **Task specialization (division of labour).** Weber felt that task specialization promotes the timely completion of work at the highest level of skill. Tasks, therefore, in Weber's ideal organization are divided into categories based on team members' competencies and areas of expertise. Employees and departments have clearly defined roles and expectations in which they are responsible solely for the labour they do best. This is designed to maximize efficiency for the organization. Overstepping one's responsibilities, such as presenting new ideas outside of your department's scope, is generally frowned upon.
2. **Hierarchical management structure.** Weber advocated that management should be organized into layers, with each layer being responsible for its team's performance. Weber believed that each layer of management should provide supervision to the layers below them while being subject to the control of those above them. Thus, individuals at the top of the management hierarchy have the most authority, while those at the bottom have the least power. This hierarchical structure clearly delineates lines of communication, delegation and the division of responsibilities.
3. **Formal selection rules.** In the ideal organization, Weber believed that employees should be chosen based on their technical skills and competencies, which are acquired through education, experience or training – no other factors should be considered. And since workers are paid for their services, and services are divided by job position, an employee's salary is entirely dependent on their position. Contract terms are also entirely determined by the organization's rules and regulations, and employees have no ownership interest in a company.

4. **Rules and requirements.** Employees, argued Weber, should always know exactly what is expected of them. In the ideal organization, the rules are clearly defined and strictly enforced. This promotes uniformity within the organization and keeps the company running as smoothly and efficiently as possible. If new rules and requirements need to be introduced, higher-level management or directors are responsible for implementing and enforcing them.
5. **Impersonal environment.** Under Weber's theory, relationships between employees are to be only professional only. The impersonal environment characterized by bureaucracies is designed to promote decision-making that is based solely on facts and rational thinking. It prevents favouritism or nepotism as well as involvement from outsiders or political influence, anything that could interfere with the mission of the organization.
6. **Achievement-based advancement.** Weber felt that promotions within an organization should be based solely on achievement, experience and technical qualifications. Personal favours, relationships or personality traits should not factor into personnel decisions.

According to Weber there exists a complete separation of property belonging to the organization, which is controlled within the sphere of office and the personal property of the official, which is available for his own private uses.

Although Weber's ideal type construct on bureaucracy is not 'empirical' in a methodological sense, yet it has an empirical flavour for it appears to have taken into account the existential reality of bureaucratic behaviour in cross-national and cross-temporal contexts.

Weber was certainly not normative while constructing his ideal type of bureaucracy, yet the message is clear—**"Don't misuse official property for personal benefit"**

Several critics of real-world bureaucracies, including Harold Laski, Carl Friedrich, Victor Thompson and Warren Bennis have criticized bureaucrats for violating the prescribed norms of moral conduct. Today there exists a yawning gap between the 'ideal-type' and 'real-type' of bureaucracy. The deviations are too glaring to be ignored.

The Environmental Context and Administrative Ethics

Administrative ethics has evolved over a long period of time and it has been influenced by, during its growth and nurturance, by a variety of environmental factors. It is the product of several contextual structures and never ceases to transform. The following are some of the contextual factors that affect the growth of ethics in public administrative systems.

- Historical Context
- Socio-Cultural Context
- Legal-Judicial Context
- Political Context
- Economic Context

Historical Context

The history of a country marks a great influence on the ethical character of the governance system. For instance the **Spoils system in USA** during the initial phase of American nation vitiated the ethical milieu of the **American Public Administration**.

"To Victor belong the Spoils" asserted American President Andrew Jackson

Things would have continued the same way had not a disgruntled **job-seeker assassinated** President **James A. Garfield in 1881**. President Garfield's assassination triggered a process of civil service reforms in the USA and the stepping up of **US Civil Commission in 1883** was the **first major step** in this direction.

India has witnessed a long history of unethical practices in the governance system. **Kautilya's Arthashastra** mentions a variety of corrupt practices that existed among the administrators of Mauryan times. Similarly there were several complains about the prevalence of corrupt practices in administration during the **Mughal** and **British** times. In fact some of the members of the **East India Company** were criticised for their **corrupt behaviour** even by the **British Parliamentarians**.

The forces of probity and immorality have coexisted in almost all phases of human history. Which forces are stronger depends upon the support these get from the prime actors of the politico-administrative system.

What is worrisome is the continuation of unethical practices in governance over a long period of time is likely to increase the tolerance level of administrative immorality.

In most developing nations having a colonial history the chasm between the people and the government continues to exist. Although the distance between the governing elite and the citizens has been reduced substantially in the transformed democratic systems, yet the affinity and trust between the two has not been total even in the new democratic dispensations.

The administrators have largely failed to imbibe the **spirit of an emotional affinity** towards the citizens on one hand, while on the other the **legacy of competitive collaboration** between the people and administrators continues to perpetuate. No wonder this **adversarial relationship** has a **negative impact on administrative ethics**.

The Socio-Cultural Context

The values spread throughout a social order determine the nature of the governance system. Unfortunately the Indian society today seems to prefer wealth over any other value and in the process of generating wealth, the means-ends issue has been sidelined. In other words the ends have gained supremacy and the means do not command an equal respect. A quest for wealth is in itself is not bad. In fact, it is considered as a mark of civilizational progress. The problem emerges when the ideals are submerged under the weight of more practical concerns of economic progress.

The cultural system of a society, including its religious orientation substantially affects the values and work ethics of its people. For instance most of the religions lay a stress on hard work and integrity. However the issues of morality may or may not be rooted in the religious ethos of a society. No religious scripture favour the pursuit of wealth through foul means yet the practice of corruption prevails in several cultures.

To quote an example let us consider Thiruvalluvar's Tirukkural written almost two thousand years ago in Tamil Nadu. The following lines from Kural manifest the importance of values while generating wealth.

“Earning wealth brings fame, respect and an opportunity to help and serve others, but it should be earned through right means only.”

Tirukkural

Can we change this social order?

Mahatma Gandhi wanted to transform the priorities of the Indian society but there were hardly any other persons who endorsed such ideas the way Gandhi did. To put it bluntly, ever since Gandhiji's demise there has been

not a single strong voice in independent India challenging the supremacy of Mammon

The family system and the educational institutions are influential instruments of socialization and training of the mind in its impressionable years and therefore the high standards of ethical conduct will stem from the efficacy of the family and educational institutions in imbibing values.

The need is to develop **fresh perspectives** on what kind of Indian men or women we wish to evolve and how? Till then, efforts will have to be focussed on the non-social fronts.

The Legal-Judicial Context

A neatly formulated law, with a clear stress on the norms of fair conduct and honesty, is likely to distinguish chaff from grain in the ethical universe. Conversely, nebulous (or ill-defined/vague) laws, with confusing definitions will only promote immorality, for it would not be able to instill the fear of God or fear of law among those violating the laws of the land or mores (conventions or customs) of the society.

An efficient judiciary with fast track justice system will enforce the laws and conventions of the society effectively and thereby uphold morals and values in public affairs. Conversely, a slow-moving judiciary with a concern for letter rather than the spirit of the laws will dither and delay and even help the perpetrators of crimes by giving them leeway through prolonged trials and benefits of doubts.

Similarly, the anti-corruption machinery of the government with its tangled web of complex procedures unintendedly grants relief to the corrupt. In fact the toothlessness and feebleness of vigilance bodies with their low-key status in the governance system encourage surreptitious attempts that seek to undermine laws.

The Political Context

The political leadership, whether in power or outside power, is the single most potent influence on the mores and values of citizens. If politicians act as authentic examples of integrity, as happens in the Scandinavian countries, it sets a good precedent for the people to follow. Conversely, if politicians are engrossed in self-interest the people are also seduced to do so.

In fact in a democracy the political parties, pressure groups and the media all influence people's orientation and attitudes on moral questions.

The administrative system is a part of the overall governance system and therefore cannot remain immune to the high or low levels of political morality. The behaviour of the politicians have a demonstration effect on the civil servants.

The election system in India is a major propeller of political corruption. Spending millions on the election compels a candidate to reimburse his expenses through fair and foul means—more foul than fair. **While fair has limits, foul has none.**

It is ironical that the moral environment in a country like India is designed more by its politicians rather than social groups. The primacy of the political groups over the rest of the system is too obvious to ignore. Therefore other institutions like media must play its role in an objective and fearless manner and provide the necessary check to political malpractices. **Hence those who own and manage the media companies should understand their wider social and moral responsibility.**

The Economic Context

The level of economic development of a country is likely to register a positive correlation with the level of ethics in the governance system. Even when a causal relation between the two is not envisaged, a co-relation cannot be ruled out. A lower level of economic development, when accompanied with inequalities in the economic order, is likely to create a chasm among the social classes or groups.

The less privileged or more deprived sections of the society may get tempted to forsake principles of honest conduct while fulfilling their basic needs of existence and security. Not that the rich will be necessarily more honest (though they can afford to be so), yet what is apprehended is that the poor, while making a living, may find it compelling necessity to compromise with the principles of integrity.

It is interesting to note that with the advent of liberalizing economic regimes in developing nations, there is a growing concern for following the norms of integrity in industry, trade, management and governance system on account of the international arrangements that call for high levels of integrity in the WTO regime. This is what Fred Riggs would call “**exogenous instruments to administrative change**”

Is it fair to expect that Civil Servants should exhibit higher levels of Morality?

The administrative class comprising of civil servants at higher, middle and lower levels, emerges from the society. Naturally, therefore, the mores, values and behavioural patterns prevalent in the society are likely to be reflected in the conduct of administrators. **To expect that the administrators, will be insulated from the orientations and norms evidenced in the society, would be grossly unrealistic.**

The above argument has a convincing logic, yet there can be a counter-point that the administrators are expected to possess stronger moral fiber than ordinary citizens. **Until instruments and institutions are created that protect and nurture administrative morality vis-à-vis the general social morality, such an expectation remains at best elusive!**

Moral Obligation of an Administrative System

Is the administrative system confined to act morally in its own conduct or does it also share the responsibility of protecting and promoting an ethical order in the larger society? While most of the focus on administrative morality is on the aspect of probity within the administrative system, there is a need to consider the issue of responsibility of the governance system (of which the administrative system is a sub-part) to create and maintain an ethical ambience in the socio-economic system that would nurture and protect basic moral values.

Moral political philosophy assumes that the rulers and the administrators will not only be moral themselves but would also be the guardians of morality. Truly, being moral is a prerequisite to being a guardian of wider morality.

Morality the crux of ethical decision making

It is a truism that **the crux of administrative morality is ethical decision making.** The questions of facts and questions of values cannot be separated from ethical decision making. Thus the **science of administration** gets integrated with the **ethics of administration.**

Ethics in Public administration: status and concerns

To the extent that probity and dedication are fundamental values, are there, today, objective conditions to promote these principles in the public service?

The legal framework applicable to ethical problems in the public service is already quite vast from the Constitution to the Code of Ethics although its actual implementation is insignificant. Nevertheless, public servants, in general, abide by ethical standards applicable to the public service and sanctioned by society. The gist of the problem lies in insufficient implementation.

So, it is necessary to take initiatives to reduce the punitive character of the Code of Ethics, in order to emphasize education, without an over reliance on punishment. To the extent that ethical conduct is intended to protect primarily the public service, not the individual civil servant, a sound human resources policy should emphasize professionalism, qualification, and retraining programs which should include ethical notions and principles. There is a need to take initiative to include principles of Ethics in the academic curriculum, starting in elementary schools.

By and large the civil service in India has lost its neutral and anonymous character and even though there are still some upright civil servants, they are getting marginalized in the process of governance. Reason for negative image:

- Increasingly, corrupt practices have become prevalent in the higher civil service and public perception of higher civil servants as a class is not edifying.
 - (ii) The higher civil servants – particularly, officers of the Indian Administrative Service, Indian Police Service, and Indian Forest Service working in different States of the country do not have a fixed tenure in any post and hence are not able to achieve the targets fixed for them in their assignments. In the absence of any fixed tenure, these officers of the All India Services are not able to function as effective instruments of public policy and are simply wasted due to frequent transfers from one post to the other.
 - A majority of civil servants are not perceived as people-friendly and by and large they have lost touch with ground realities. There is a sharp decline in their field visits and inspections of field programmers. Civil servants in the States have almost given up the earlier practice of sustained tours of remote areas and night halts in those areas which are so essential to understand and redress problems of the poor and the weaker sections of the community.
 - There is 'groupies' among higher civil servants and increasingly they have been divided along sectarian lines – an extremely unfortunate development.
 - Some civil servants develop an unhealthy nexus with power brokers and do not hesitate to resort to questionable means to get good postings in India or abroad.
 - The vigilance organization in States and the Central Bureau of Investigation in Government of India have created such a fear psychosis that civil servants are afraid of taking bold decisions in the public interest i.e. decisions involving expenditure of big amounts of money and important commercial decisions.
 - Bureaucratization has brought a paralysis to the administration, impunity to civil servants, and a generalized feeling of impotence on the part of society.
 - The main external cause of the negative image of the public service is a result of the biased posture of the media. The media emphasize often a distorted image of the public sector.
- These negative aspects include corporativism, corruption and nepotism. There is a need of making the Civil Service responsive and citizen-friendly; transparent; accountable; and ethical in its actions and interface with the people. The reputation can be rescued by applying these steps:
- Integrity in public service and removal from service of corrupt officials;
 - Making public friendly administration;
 - Constitution of a high level panel comprising Comptroller & Auditor General, Central Vigilance Commissioner and the Cabinet Secretary to ensure clean and accountable govt.;
 - Formulation of a policy of transfer for civil servant
 - Civil servants in the States should do tours of remote areas and night halts in those areas which are so essential to understand and redress problems of the poor and the weaker sections of the community.
 - Making the civil service e-governance friendly
 - Putting a premium on intellectual growth of civil servants.
 - There is a need to enforce the 'Single Directive to protect honest officers who take bold decisions in the public interest.

- There is a need of human resources policies which should emphasize professionalism, the merit system, and working conditions compatible with the public service.
- The introduction of basic notions of ethics and citizenship in the academic curriculum at all levels of education is necessary.

The implementation of administrative reforms recommendation is very useful in improving ethical conduct in the public service. It is important for securing administrative continuity.

Ethical Concerns regarding Public Officials

The seven major concerns regarding public services are

- 1) Theft & Fraud by Public Officials
- 2) Improper Use of Government Property
- 3) Bribery & Influence Peddling
- 4) Conflict of Interest & Self-dealing
- 5) Divulging Confidential Information
- 6) Improper Conduct Post-Employment
- 7) Immoral Conduct by Public Officials

Theft & Fraud by Public Officials: One of the more serious ethical issues in government is theft of public property by public officials. Such theft can range from the trivial, such as taking home office supplies, and stealing millions of rupees from the public purse.

Fraud is one of the most common, and costly, forms of theft by public officials. Often referred to as theft by deception or trickery, fraud occurs when an individual deliberately deceives others in order to unjustly gain money, property, or services. There are many different ways in which public officials attempt to defraud government and taxpayers. They may, for example, submit false expense reports for costs they did not incur, or provide inflated work invoices for services they did not render. In the most extreme situations, public officials may participate in elaborate schemes of deception to divert large amounts of public funds from government programs and services into their own pockets.

Improper Use of Government Property: Another important issue is the use of public property by public officials for private benefit. This would include, for example, using one's office telephone for personal long-distance calls, or using government vehicles for personal transportation. Such abuses of government property are not exactly theft. The public official is not actually stealing

the office telephone or the government vehicle. Instead, the issue concerns the purpose for which the government property is being used. There is an expectation that equipment and transportation will be used only for activities associated with the performance of public duties, and not for purely personal reasons or for private benefit.

Bribery & Influence Peddling: Bribery occurs when a person of authority is offered, and accepts, some personal benefit in exchange for performing some action. A public official may, for example, be offered money, property, or free services. In exchange, s/he agrees to take some action that benefits the giver of the bribe, such as voting a certain way on a piece of legislation, or turning a blind eye to some illegal activity.

Influence peddling is a particular form of bribery in which a public official actively sells his/her ability to influence government decision-making. Regular forms of bribery involve a private individual or group approaching a public official and attempting to buy interests. In the case of influence peddling, however, it is the official him/herself approaching others in an attempt to sell access to government, services or otherwise.

Conflict of Interest & Self-dealing: Conflict of interest occurs when a public official's private interests are such that they may influence the performance of his or her public duties. The concern here is often the same as with bribery and influence peddling. Public servants and elected officials are expected to exercise impartiality and objectivity when performing their official duties, and should act in the public's best interests. When there is conflict of interest, however, there is a concern that the public official may favor some interest other than the general public.

Conflict of interest arises in many different situations. Self-dealing is one of the most obvious ones. This occurs when an individual's activities in his/her official capacity involve dealing with him/herself in a private capacity, often for personal benefit. A classic example is a public official using his/her office to hire their own private company to work for the government. The concern is that the public official may choose his/her own company instead of other, better options available, simply because they desire the profits from the government contract. Moreover, s/he may be very lax in ensuring the public gets full value for its money. Concerns over conflict of interest can also arise when public officials deal with persons with whom they have close relations, such as family members, close friends, and business partners. The concern here is that the public official will place the interests of this particular individual above the greater interests of the public.

Divulging Confidential Information: Public servants and elected officials are often privy to all sorts of sensitive information, such as military/security secrets or personal information about citizens (criminal records, tax information, medical histories). An important area of government ethics is concerned with the conduct of public officials in regard to this sensitive information. Generally speaking, there is often an expectation that public officials will keep this information confidential and will not inappropriately divulge what they know.

Confidentiality can be important for different reasons, depending on the situation. In the case of military secrets, confidentiality is often viewed as essential to the physical security of the nation and its people. Divulging such secrets (commonly referred to as “treason”) are considered so unethical that it is punishable by long prison terms or even execution in some countries. In the case of personal information, confidentiality is important to personal privacy and dignity. In many countries individuals have the right to keep personal information private; government officials are obliged to respect that privacy.

Improper Conduct Post-Employment: There are many potential issues here, ranging from conflict of interest, to improper use of confidential information, to bribery and influence peddling. Prior to leaving office, for example, a public servant or elected official may grant favours to certain individuals or groups as a means of securing future employment. Another concern is the activities of government officials once an individual is in the private sector. Former officials may take advantage of information s/he obtained in performing his/her public service duties, information that is unavailable to the general public. Such individuals may have confidential information about a future government policy; this information could offer the former public servant a distinct advantage in the marketplace with respect to investing, for example.

Former officials may also use their connections to gain preferential treatment or privileged access to government after leaving office. This is particularly worrisome if the former official joins a private lobby group and is able to use his/her connections to gain unfair advantages for others.

Immoral Conduct by Public Officials: This would cover issues such as sexual harassment, discrimination, drug abuse, and extra-marital affairs. The underlying concern here is whether the public servant or elected official is a person of good moral character and worthy to hold public office.

Salient Aspects of Ethics in Public Administration

The notion of Ethics has expanded itself to involve all major realms of human existence. The salient aspects of ethics in public administration could be broadly summarized through the following maxims:

- **Maxim of Legality and Rationality:** An administrator will follow the law and rules that are framed to govern and guide policies and decisions.
- **Maxim of Responsibility and Accountability:** An administrator would not hesitate to accept responsibility for his decision and actions. He would hold himself morally responsible for his actions and for the use of his discretion while making decisions. Moreover, he would be willing to be held accountable to higher authorities of governance and even to the people who are the ultimate beneficiaries of his decisions and actions.
- **Maxim of Work Commitment:** An administrator would be committed to his duties and perform his work with involvement, intelligence and dexterity. As Swami Vivekananda observed: **“Every duty is holy and devotion to duty is the highest form of worship.”** This would also entail a respect for time, punctuality and fulfillment of promises made. Work is considered not as a burden but as an opportunity to serve and constructively contribute to society.
- **Maxim of Excellence:** An administrator would ensure the highest standards of quality in administrative decisions and action and would not compromise with standards because of convenience or complacency. In a competitive international environment, an administrative system should faithfully adhere to the requisites of Total Quality Management.
- **Maxim of Fusion:** An administrator would rationally bring about a fusion of individual, organisational and social goals to help evolve unison of ideals and imbibe in his behaviour a commitment to such a fusion. In situation of conflicting goals, a concern for ethics should govern the choices made.
- **Maxim of Responsiveness and Resilience:** An administrator would respond effectively to the demands and challenges from the external as well as internal environment. He would adapt to environmental transformation and yet sustain the ethical norms of conduct. In situations of deviation from the prescribed ethical norms, the administrative system

would show resilience and bounce back into the accepted ethical mould at the earliest opportunity.

- **Maxim of Utilitarianism:** While making and implementing policies and decisions, an administrator will ensure that these lead to the greatest good (happiness, benefits) of the greatest number.
- **Maxim of Compassion:** An administrator, without violating the prescribed laws and rules, would demonstrate compassion for the poor, the disabled and the weak while using his discretion in making decisions. At least, he would not grant any benefits to the stronger section of society only because they are strong and would not deny the due consideration to the weak, despite their weakness.
- **Maxim of National Interest:** Though universalistic in orientation and liberal in outlook, a civil servant, while performing his duties, would keep in view the impact of his action on his nation's strength and prestige. The Japanese, the Koreans, the Germans and the Chinese citizens (including civil servants) while performing their official roles, have at the back of their mind a concern and respect for their nation. This automatically raises the level of service rendered and the products delivered by the civil servants.
- **Maxim of Justice:** Those responsible for formulation and execution of policies and decisions of governance would ensure that respect is shown to the principles of equality, equity, fairness, impartiality and objectivity and no special favours are doled out on the criteria of status, position, power, gender, class, caste or wealth.
- **Maxim of Transparency:** An administrator will make decisions and implement them in a transparent manner so that those affected by the decisions and those who wish to evaluate their rationale, will be able to understand the reasons behind such decisions and the sources of information on which these decisions were made.
- **Maxim of Integrity:** An administrator would undertake an administrative action on the basis of honesty and not use his power, position and discretion to serve his personal interest and the illegitimate interests of other individuals or groups.

There could be many more tenets that can be added to the above catalogue of maxims of morality in administration however, the overall objective in making any such effort is to ensure "good governance" with a prime con-

cern for ethical principles, practices, orientations and behaviour in administration.

Ethical Dilemmas

A dilemma is described as a grim problem apparently incapable of a satisfactory solution or a situation involving choice between equally unsatisfactory alternatives.

Ethical dilemmas or moral dilemmas or ethical paradoxes, are situations in which there is a choice to be made between two options, neither of which resolves the situation in an ethically acceptable fashion. In such cases, societal and personal ethical guidelines can provide no satisfactory outcome for the chooser.

An ethical dilemma is a complex situation that often involves an apparent mental conflict between moral imperatives, in which to obey one would result in transgressing another.

Therefore, an ethical dilemma can be defined as a circumstance that requires a choice between competing ideologies in a given, usually undesirable or confusing, situation.

Conflicts of interest are perhaps the most apparent example that could place public sector leaders in an ethical dilemma. Other types of ethical dilemmas in which public officers may find themselves include conflict between:

- values of public administration;
- aspects of the code of conduct;
- personal values and supervisor/governmental directive;
- professional ethics and supervisor/governmental directive;
- personal values and professional ethics;
- blurred or competing accountabilities;
- dimensions of ethical behaviour.

Ellis and Hartley proclaimed that ethical dilemmas have no flawless solution and those making a decision may find themselves in a position of having to defend their decisions.

Beauchamp and Childress evidently stated that ethical dilemmas are conditions in which moral obligation demands appears to demand that a person adopt each of two or more alternative actions, yet the person cannot perform all the required alternatives.

In general, however, ethical dilemmas happen in at least two forms.

- Either some evidence or argument designates that both the acts are morally right, and the strength of argument on both sides is inconclusive

or

- an agent believes that, on moral ground, she or he is obligated to perform two or more mutually exclusive actions.

Types of Ethical Dilemmas

Ethical dilemmas can be divided into three broad categories

- **Personal Cost Ethical Dilemmas:** It arises from situations in which compliance with ethical conduct results in a significant personal cost to the decision maker in a difficult situation.
- **Right-versus-Right Ethical Dilemmas:** It arises from situations of two or more conflicting sets of bonafide ethical values.
- **Conjoint Ethical Dilemmas:** It arises when a careful decision-maker is exposed to a combination of the above-indicated ethical dilemmas in searching for the “right-thing-to do”.

Ethical Dilemmas faced by Public Servants

The types of unethical activities, universally recognised, are bribery, nepotism, graft, patronage, influence peddling, use of official property, documents or position for private gains, non-adherence to official rules etc. The service conduct rules of administrators prohibit them from indulging in these activities through their various sections and clauses. It is often assumed that administrative personnel who do not involve themselves in these activities are the ethical ones. These conduct rules only talk of the ‘Don’ts’ and not so much about the ‘Do s’, they do not speak of any behavioural norm that can be followed at the time of conflict and indecision. Major part of the service rules book deals with classification of posts, conditions of service, penalties, appellate authorities and forms of appeal etc. Provisions of ‘choice’ and ‘option’ in cases of decisional dilemmas do not receive any mention. This may create chaos in the day to day functioning of public administration and give rise to situations that are not easily comprehensible.

O.P. Dwivedi raises several fundamental questions that can arise out of unclear conduct norms. He calls them ethical dilemmas. These are:

- 1) What favours are acceptable without being considered discourteous and rude. Should any and all kinds of gifts and hospitality be avoided? Or should it be limited to a specified minimum? If so, what should be that minimum?
- 2) Is a public servant only a public servant during office hours? Or ethical norms should be practiced outside office hours also?
- 3) Should the public servants interpret policies and programmes according to their individual perceptions of right and wrong or should they only adhere to the values of the institutions they are serving?
- 4) What should the public servants do if their personal honesty and integrity appear to be out of place in their work environment?

Absence of clear-cut guidelines could lead to some more problems such as:

- a) Should every kind of favour extended to a friend or relative be considered unethical? There are various conditions that transform a gift into bribe. In a system that tends towards a tripartite rather achievement-oriented pattern of working, favours people from the same caste or region are not considered unethical by anyone.
- b) What if the public servants are forced to indulge in unethical behaviour because of stringent rules and procedures of the organization? At times, bypassing the rules becomes very essential.
- c) Sometimes political pressures, legal guidelines, tight deadlines, media exposure and expectations of the people who are directly affected by the policies force the administrators to overlook ethical norms. Too many pressures can interfere with administrative demands of efficiency and quick results.

The service conduct rules were made years back and cannot provide solutions to the above mentioned conflict situations. The nature of public administration has changed beyond recognition and so has the definition of ethics. What is now required is a serious updating of these service rules and guidelines in the backdrop of the changes in order to provide some answers to these very important questions. Bureaucrats are often perturbed over the growing politicization of administration, manipulation of their promotion avenues and transfers by the politicians

whereas the politicians allege over-bureaucratisation of the system. The first step in the direction of solving these problems would be a clarification of the role and the mandate of the administrator's vis-à-vis those who came in direct contact them.

For public officials who try to function as professionals—the demands of law, duty, impartiality, due process etc. provides a productive ground in which ethical dilemmas arise. Some of the most common ethical dilemmas with which public servants are confronted, revolve around aspects such as:

- Administrative discretion
- Corruption
- Nepotism
- Administrative secrecy
- Information leaks
- Public accountability
- Policy dilemmas

Administrative Discretion

Public officials are not merely facilitators and executors of public policy. They make decisions pertaining to the lives of people, for example public officials make decisions about taxes. In doing so they exercise discretion. The question is then how decisions are to be made to avoid ethical dilemmas. In other words, the promotion of general welfare depends to a large extent on the use or abuse of administrative discretion.

It is true that within the rules and regulations laid down by legislation and within the prescribed procedures; there is plenty of opportunity for the public official to use his discretion.

When faced with alternatives the choice of the public official poses an ethical problem. The problem is that the selection of one path of action from among several alternatives is often made on the basis of personal preference, political or other affiliations, or even personal aggrandizement, thereby disregarding known facts and thus the possibility of rational decision making. It could well be that all the prescribed rules, regulations and procedures are adhered to but that the discretionary choice may be viewed as unethical or even corrupt.

Corruption

Corruption is “giving or obtaining advantage through means which are illegitimate, immoral, and/or inconsistent with one's duty or the rights of others.”

Our modern understanding of ethics notes that following culturally accepted norms is not always the ethical choice. What may be acceptable at certain points in history, such as racism or sexism, became unacceptable with the further development of society's mind-set. What happens when cultures change but business practices don't? Does that behavior become unethical, and is the person engaged in the behavior unethical? In some cultures, there may be conflicts with business practices, such as in the area of gift giving, which has evolved into bribery—a form of corruption.

For example, gift giving in Japan was for centuries an established practice in society and is still taken seriously. There are specific guidelines for gift giving depending on the identity of the giver or recipient, the length of the business relationship, and the number of gifts exchanged. The Japanese may give gifts out of a sense of obligation and duty as well as to convey feelings such as gratitude and regret. Therefore, much care is given to the appropriateness of the gift as well as to its aesthetic beauty. Paying bribes is relatively common in many countries, and bribes often take the form of grease payments, which are small inducements, intended to expedite decisions and transactions.

The moral standards of public officials are, however, directly related to society as a whole. If the public accepts that in order to secure a quick response from a public official some monetary or other incentive is necessary, and the official accepts the incentive, then the standards of ethical conduct of officials and the public are in fact in harmony from the point of view of the public. However if the values of the official doesn't allow such societal norms then there is a possibility of an ethical dilemma.

Administrative Secrecy

An area which lends itself to the creation of situations and actions which could prove to become major ethical dilemmas is the secret conduct of public business. This is especially so because secrecy can provide an opportunity to cover up unethical conduct. Secrecy is an ally of corruption and corruption is always practiced in secrecy. It is generally accepted that in a democracy the people have a right to know what the government intends to do and it would be in the interest of the public for the administration of public affairs to be conducted openly.

Nepotism

The practice of nepotism (the appointment of relations and/ or friends to public positions, thereby ignoring the merit principle), may lead to the downgrading of

the quality of the public service. This disrupts the esprit de corps and trust and resulting in corrupt administration, owing to the ability of a select few to impair control measures on account of their personal relationship with the policy-maker, and by reason of their not being easily dismissed or replaced by others. In other words, those who are appointed with the view that they will conform to the standards and views of their appointing authority could prove to be problematic. The preferential treatment of one individual over another, without taking into account the relative merit of the respective individuals, represents nothing but victimization of an individual or individuals.

Information leaks

Official information is often of such a sensitive nature (for example, pending tax increases, rezoning land, retrenchment of staff) that disclosure of the information can lead to chaos, corrupt practices or, for some individuals, improper monetary gains. Leaking official information at a date prior to the public announcement thereof is a violation of procedural prescriptions and can be an ethical dilemma.

Public Accountability

Since public officials are the implementers of public policies, they ought to be accountable for their official actions to their superiors, the courts and the public. It is nevertheless, possible for them to hide behind prescribed procedures, the cloak of professionalism and even political office-bearers.

Policy dilemmas

Policy makers are often confronted by conflicting responsibilities. They have specific loyalties to their superiors, but also to society. They have freedom to act on behalf and in the interest of others, but they must also answer to others - their superiors and society - for their actions. The official's obligation to respect the political process may conflict with his view on how the objects of policy making are treated. In other words, the dilemma of the public official is the clash between his view of the public interest and the requirements of law.

Process of Resolving an Ethical Dilemma in administration

An ethical dilemma is more complex and demanding than a problem of what it appears to be. These dilemmas cannot be solved based on its initial status of presentation. The decision maker faces a difficult situation in which he

faces mutually exclusive alternatives that choosing one option means negating the other that is equally important.

However a dilemma is also dealt appropriately by altering and reformulating all the options in a systematic and coherent manner. To resolve ethical dilemmas, a sequence of logical reasoning sets is proposed to integrate and rearrange the process of dealing with ethical dilemmas. They are:

- **Accountability:** The loyalty of the bureaucracy to the ministers is grounded on their obligation to be answerable and responsible to the legislature who is accountable to the will of the people and their general interest. It is then a fundamental ethical duty bearing on civil servants to show a spirit of impartiality and discretion and keep their own personal preferences out in the performance of their duties and responsibilities.
- **The rule of law and the principle of legality:** The rule of law is fundamental and universal to politics and society. Respect and adherence to the principle of legality is an important requirement to exercise authority. Law establishes the minimum standard for morality. Unethical conduct means violation of law. Thus far enforcement of law should be priority in case of dilemma.
- **Professional integrity:** In administrative profession, knowledge and expertise should be used with certain standards defining professional ethics such as, avoiding corruption in the delivery of services.
- **Responsiveness:** The government responsiveness to its citizens is a key aspect of good governance. In this respect, ethical reasoning in state action entails that public institutions be responsive to society and pay attention to the needs and demands of the people, facilitating access to services and creating an enabling environment for sustainable human and social development.

Ethical Concerns in Private Institutions

In private companies, moral principles like ethical regimes, codes of conduct, codes of ethics, and ethical rules were not initially developed. With the process of globalization, many states have lost some level of control over their compliance with ethical standards, and, often, the ability to assess and even sanction violations of labour codes and environmental standards. Globalization, however, has created new opportunities for com-

panies, which now can shift their production to parts of the world where the cost of labour is cheaper to increase revenue.

Private companies are also facing new restrictions. As people have become more knowledgeable, customer concern has become gradually focused on the ethical, environmental, and labour standards of companies that become global by writing and calling companies to complain about human rights defilements, demonstrating against the companies, supporting company anti-sweatshop organizations, filing shareholder resolutions, and in some cases, boycotting products and companies that are allegedly not respecting basic ethical standards.

These ethical violations involve but are not restricted to issues concerning child labour, employee harassment and abuse, and solutions consisting of non-discrimination laws, freedom of association, collective bargaining agreements, decent health and safety standards, and adequate wages and hours of work.

Growing moral concern of customers have rapidly and completely redesigned the business environment in which companies operate. Reputation has now become more important which not only commands the economic victory of a company, but its existence. It is well recognized that companies in last decades have made mindful efforts to protect their reputation and assure their customers of their adherence to a certain level of moral principles.

Private sector ethics standards are shaped to respond to that consumer requirement. In order to make it effective, the private sector developed a list of obligations to adhere to human rights standards that later transformed into the Corporate Responsibility or Corporate Social Responsibility (CSR) movement.

Corporate social responsibility is the commitment of businesses to behave morally and to contribute to sustainable economic development by working with all relevant stakeholders to enhance their lives in ways that are favourable for business, the sustainable development agenda, and society as a whole.

Ethical Dilemmas in Private Institutions

The ethical dilemmas faced by certain companies may be specific to their industry or company; other types of ethical issues are common to all types of companies. To deal with ethical decisions with wisdom is especially important for small businesses. Because these issues, if not resolved correctly, may lead to the potentially devastating

effects. One area of ethical consideration for employers is **how to balance expense control with the health and security interests of workers.** Manufacturing plants and other workplaces where employees use hazardous equipment or engage in physically demanding work should have strong safety standards that not only meet standard requirements, but also makes eliminating accidents a priority. Even standard office workplaces pose health hazards to personnel who are asked to sit or stand all day. Unfortunately, some of the private institutions make budget cuts on safety controls, equipment and training to save money. This is both unethical and potentially damaging in the long run if major accidents occur.

It has been seen that technological advancement and the growth of the Internet in the beginning of 21st century have produced a slew of ethical dilemmas for private companies. **Company managers have to balance the privacy and freedom of workers while also maintaining standards which require that the use of company's technology is for legitimate business purposes.** Some companies go for monitoring all online use and email communication from employee computers and work accounts. **A company may have this right, but its leaders need to understand the potential concern about privacy and sovereignty among workers.**

Another major ethical concern is transparency. All over the world, there are many instances of business and accounting scandals that made companies to operate with openness and transparency. For public corporations, this includes honest, accurate and complete reporting on mandated financial accounting reports. **For large and small businesses, transparency includes communicating messages, including marketing messages, that are not open to misapprehension and that clearly represent the intentions of the company and its messages.**

Fair Working Conditions: Private companies are generally expected to provide **favourable working conditions** for their personnel in the business environment, but being responsible with employee treatment typically means higher labour costs and resource utilization. Fair pay and benefits for work are more obvious features of a fair workplace. Another important element is provision of a **non-discriminatory work environment**, which again may have costs involved for diversity management and training. **Morality and values-based quandaries in the workplace are difficult to manage when workers have to choose between right and wrong actions according to their own philosophies.** Optimistic employ-

ers who implement workplace ethics policies are usually equipped for the potential conflicts of interest that arise due to the diversity of opinion, values and culture in the workforce. **However, handling ethical issues in the workplace requires a steady and watchful approach to matters which can potentially be unsafe or unlawful.**

Techniques adopted by private institutions to resolve ethical dilemmas

To handle ethical dilemmas successfully, Private companies practices either of these two effective ways, they are **ethical relativism** and **ethical universalism**.

- **Ethical relativism** means that doing business in a country by following strictly to its culture or ethics, for example, if bribery is a culture or ethics of doing business in a specific host country then in order to survive, the multinational companies have to follow the local culture or ethics.
- **Ethical universalism** means that the ethical standards are the same and it is applied to all countries in which the multinational company is doing business.

Ethical relativism may help the multinational companies to survive in the market of the host country without any barriers but the disadvantages will be, it might be going against the law of human rights like labour rights for instance if child labour is compatible with the culture of the host country, the company may employ child workers but such recruitment will hurt the worldwide image of the country. Ethical universalism has more advantage because it is regarded as higher moral responsibility because multinational companies are said to be stricter in following human rights and it is more ethical. As for drawbacks is concerned, in certain cases, it might lead to some form of cultural imperialism wherein the multinational companies may feel that certain country's culture is immoral and inferior.

Assessing the ethical concern of both government and private organization, it can be understood that the challenges posed by ethical dilemma sometimes make a person to be at lost with no solution in sight. This becomes more pronounced if one is to make a choice between personal values and public values as in the case of public officials involved to provide public services.

Laws, Rules, Regulations and Conscience as sources of Ethical Guidance

From the **deontological perspective there are two sources that help individuals while making moral decisions**. One is outside the actor, and consists of **law, rules and regulations**; the second is within the actor, and it is the actor's inner **conscience**. These two sources impose on moral beings an obligation to be ethical—that is to do good and avoid evil. **Combinedly they provide a theoretical framework for ethical guidance.**

What is the meaning of Law in Ethics?

The notion of law as used in ethics is different from the common usage of law in other subjects like Physics. In ethics, law has a moral connotation.

St. Thomas Aquinas defined law as

“An ordinance of reason for the common good, promulgated by him who has care of the community”

Law, then, sets up a course of action that must be followed. St. Thomas Aquinas said that, in drawing up a course of action, the **legislator must act reasonably.**

What the legislator commands must be good, possible and just.

- **Laws must conform to human nature** i.e. it must be **physically and morally possible** to obey the laws.
- **Laws must also be just, distributing goods and burdens equally.**
- **The law is for common, not private, good.**
- **Before anyone can be expected to obey a law, the legislator must promulgate it or make it known to the community.** If the legislator does not promulgate or publicize the existence of a law, citizens will be ignorant of its existence and the legislator cannot expect obedience.

Difference between Laws and Rules

The main difference between rules and laws is the consequences associated with breaking them. While each is developed to invoke a sense of order, fair play, and safety, the weight of a law is much heavier than the weight of a rule. Laws are the legal version of rules. When you are a child, your parents set rules to be followed. When you are in a society, the government sets laws to be followed.

Laws are written in specific code so that they can be interpreted as needed. When you break a law there is legal action that follows. Rules are more flexible and carry low

end consequences. You can set up rules for games, rules for the home, even rules for fighting. Rules are often adjusted as the conditions and circumstances of change.

Laws must be passed through due process in order to take effect. A law starts off as a bill, and must go through a series of checks, balances, and votes in order to become a law. Rules are merely set and adjusted as the need arises.

Rules help us learn to prepare for living in society. As youngsters, we tend to learn that there are rules about speaking, stealing, lying, and being wasteful. Laws are not meant to set teaching boundaries, but are there to be enforced.

Meaning of Regulation

Regulations can be used to define two things; a process of monitoring and enforcing legislations and a written instrument that aids the enforcement of laws.

Regulations are usually made by the executive for smooth functioning of the laws. The law usually provides a skeletal framework for addressing a subject. Regulations are meant for providing a detailed and intricate framework for making the law work. Regulations often help clarify laws, although sometimes they do not achieve that objective properly.

The debate around application of laws

Is anyone above the law? Some philosophers have argued that the sovereign, the source of all rights, is above the law because there is no one competent to pass sentences on him or her. **St. Thomas Aquinas** denies that the sovereign is above the law because the sovereign can subject himself or herself to the law. He says that **“whatever law a man makes for another, he should keep himself.”** A person may be outside the law if he is in a country or territory different from the legislator’s.

A law is generally not applicable outside the territory over which the legislature has the right to make laws for. For example the US laws are not applicable in India.

In the presidential primary of 1992, candidate Bill Clinton noted this distinction when asked if he ever used drugs. He said that he never broke any laws of the United States by using drugs. Later when asked if he broke any laws anywhere by using drugs. He admitted to having used marijuana once as a student at Oxford University in England. He was thereby claiming that the laws of the United States do not bind US citizens in England.

In spite of the foregoing distinction, an interesting development occurred in Ireland during the spring of 1992. A fourteen-year-old Irish girl became pregnant as a result of an alleged rape. She and her parents went to England to procure an abortion, which the Irish Constitution prohibits in Ireland. The Irish attorney general brought the matter before the High Court in Dublin. The Court decided that the Irish Constitution barred the fourteen-year-old from having an abortion elsewhere in England. The Supreme Court of Ireland reviewed this decision on appeal; however, it did not rule, as most scholars expected, that the young woman had the constitutional right to travel to England to have an abortion. Rather, it ruled that she could obtain an abortion on the grounds that she was threatening suicide. Her right to life took precedence over the right to life of the fetus.

It appears that, at least in this incident, the Irish courts consider the law – the Irish Constitution – to apply beyond Ireland, at least in instances where pregnancy termination is concerned. According to the Irish courts the right to travel – a right to which all members of the European Community, including Ireland, subscribe – is secondary to the right to life. The courts have left it to the legislative process in Ireland to clarify these issues. But we can seriously question how an Irish law or the Irish Constitution can bind an Irish citizen living either legally or illegally in the United States. Many Irish Americans have dual citizenship, yet have never set foot in Ireland. It is difficult to comprehend how the Irish Constitution or the Irish laws can bind them.

The purpose of the law is to serve the common good. But if, in a particular case, observance of a law would be injurious to the common good, there is no obligation to observe the law. In this case, the spirit of the law takes precedence over the letter of the law.

Conscience

The word **“conscience”** is derived from the Latin word **conscientia**, meaning **“privity of knowledge”** or **“with-knowledge”**. The English word **“Conscience”** implies **“moral awareness”**. Commonly used metaphors for conscience include the **“voice within”** and the **“inner light”**. It implies ‘a person’s moral sense of right and wrong’ as well as consciousness of one’s own actions.

In simple words conscience is an aptitude, intuition or judgment that assists in distinguishing right from wrong. In psychological terms conscience is often described as leading to feelings of remorse when a human commits actions that go against his moral values and

feelings of pleasure and well-being when our actions, thoughts and words are in conformity to our value systems.

From a deontological perspective, conscience is a judgment – an act of the intellect. It is not a feeling or an emotion, but rather, an intellectual decision. It is also a decision with a view to a particular action. Conscience can make a practical judgment on the morality of either a past action or an action about to occur. **Expressions such as ‘gut feeling’ and ‘guilt’ are often applied in conjunction with conscience.** In this sense the conscience is not necessarily a product of a rational deduction but is something that can be influenced by the indoctrination of one’s parentage, social class, religion or culture.

Conscience applies the law or rule to specific actions; therefore, it is wider than law. Some have said that conscience is to law as a brush is to paint.

The Philosophical debate on Conscience

John Locke argued that the conscience was proof for the concept of innate principles but deliberated whether these principles provide moral absolutes, whether they are objective or subjective **“if conscience be a proof of innate principles, contraries may be innate principles; since some men with the same bent of conscience prosecute what others avoid.”**

Thomas Hobbes likewise pragmatically noted that the **conscience can be potentially mistaken** therefore opinions formed on the basis of conscience, even with full honest conviction should not always be trusted.

According to **Erich Fromm** it is **‘a reaction of ourselves to ourselves; the voice of our true selves’** that guides us to achieve our full potential’. **Sigmund Freud** believed that **conscience was acquired through experience** and that it was the part of the human mind that seeks to make sense of disorder and to deal with the internal conflicts caused by guilt. He believed that the conscience was influenced by both early and later life beliefs.

Immanuel Kant formulated the idea of the **critical conscience** which was rather like a **court of law in our minds** where the prosecutor or conscience excuse or accuse thoughts and actions. He also argued that although moral people feel contentment within the soul after following the instruction of one’s conscience, they should not do good deeds for the sake of experiencing this inner peace, rather they should do it as part of their duty.

Rousseau expressed a similar view that **conscience somehow connected man to a greater metaphysical unity.** A conscience aims to make moral decisions in ‘overwhelming forces of inescapable situations’ despite the risk of adverse consequences. **If conscience goes, then everything collapses, conscience is central to our identity and it is a component in the moral decision making process,** however, failure to acknowledge and accept that conscientious judgements can be seriously mistaken on account of their relativistic nature, may only promote situations where one’s conscience is manipulated by others to provide unwarranted justifications for non virtuous and selfish acts.

Without adequate constraint of external, altruistic, normative justification, conscience may be considered morally blind and dangerous both to the individual concerned and humanity as a whole.

Conscience-The guide to ethical Decision making

It is debateable as to whether or not the conscience is the most reliable form of decision making or not. However there are many different opinions on conscience when it comes to decision making. The idea of the conscience has developed from early Christian views; however it has now developed through the psychological views of it being linked or part of the mind. The idea of the conscience was also later developed by Freud who suggested that the conscience could be explained best by using scientific knowledge instead of using religious views and opinions on the conscience.

Secular perspectives of the conscience support the statement that the conscience is not a reliable guide to ethical decision making as it demonstrates that there is subjec-

tivity within our moral values due to individual experiences and upbringing. Ethical decision-making help us to make the correct decisions when it comes to moral judgement. However, the secular approaches do not provide an accurate method of understanding what the right path is. St Paul believed the conscience was a moral guide, which is within and doesn't need any rules or theories to be followed. St Paul's idea of the conscience is universal to everyone this means that you don't have to be a Christian to relate and use the conscience as a moral guide. St Paul's idea is that everyone has a conscience within as a moral guide.

However it may not always be best use our conscience as our moral guide. As if we do use our conscience, for example how can people be held accountable for crimes, if they believed it was right?

Butler was a Christian theologian and philosopher who believed that the conscience was a God given ability to reason. St Paul and Butler agreed on many of their ideas. Butler thought that the conscience should be seen as a judge within everybody, a judge that makes moral decisions for us, he suggests that as it is within all of us and appears to have a higher authority we therefore must listen to it, and take on board the decision in which our conscience makes. One of the main weaknesses is the idea that not everyone can have the same type of conscience as young children and people with mental illnesses will not have the same quality of conscience.

Saint Augustine saw the conscience as the voice of God speaking to us from within – it is the law of God in our hearts that we use to understand right and wrong actions. For him, conscience will in every circumstance turn us towards the good and away from all that is evil. Hence from religious perspectives conscience is a reliable guide to ethical decision-making as it relies on our innate ability to determine what is good and bad. However secularists might not agree with it completely.

Conscience-A Source of ethical guidance for bureaucrats, politicians and citizens

Conscience is the inherent intuitive capacity to differentiate between right and wrong. "Inner Voice" is important especially in democracy as it has multiple stakeholders such as citizens, NGOs, corporates to be administered by the politicians who are elected by them only. But at individual level every person has a conscience which helps them to take important decisions. Thus it can act as strong tool to evade away the individual self centered thinking.

- **Political Leaders:** - Conscience can help in reducing corruption, nepotism and profit seeking behaviour. Thus provoke them to act in benevolence of society at large and uphold the constitution principles. At each and every decision they should keep in mind that they were elected to serve the citizens and not to serve their own needs and greeds.
- **Bureaucratic Level-** the crisis of conscience is important whether to just mere follow the orders from superiors v/s to follow the right path of judgement. The inherent voice of serving the nation maintaining highest standards of integrity and probity is important as they are link between citizens and politicians.
- **Citizens at large:** - Collective and individual conscience of citizens is very important because it defines the existing society conditions. Eg: - keeping surroundings clean, actively participating in elections, dissent to undemocratic principles etc. Thus adhering to it will also curb mob injustice such as riots, lynching of criminals etc.

Moreover it is important to actively excel and improve at individual and institution level. Thus if everyone acts and adhere to their principles values, the moral degeneration can be curbed and faith in governing institutions can be reinstated.

Ethical Principles Governing Conscience

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

- 1) **A person must take reasonable care to ensure a correct conscience.**
- 2) **A person is bound to follow a certain conscience even if that conscience is false, For example, if I am certain that it is morally right to lie to save another's life, I am bound to lie.**
- 3) **It is never ethically correct to act on a doubtful conscience. Vincible ignorance does not excuse – the person must make some effort to resolve the doubt. If efforts to resolve the doubt fail, the principle *lex dubia non obligat* ("a doubtful law does not bind") comes into play.**

When is a law doubtful? There are four principles that apply and the actor is at liberty to follow the principles that appeals most.

- 1) A law is doubtful and does not bind when there is more probable evidence on the side of liberty than against it. This is **probabilism**. For example, a person in doubt about what day it is observes four calendars. Three indicate it is one day and the fourth indicates that it is a different day. The person may follow the date indicated by or deduced from the three calendars if that ensures more liberty.
- 2) A second version of probabilism states that the person may follow an option in favor of liberty provided the evidence in favour of liberty is solidly probable, even though the evidence against liberty is more probable. In the same example, the person may follow the time indicated by the fourth calendar even though the other three numerically appear to offer more probable evidence
- 3) Another version of probabilism, **equiprobabilism** states that the person may follow an opinion in favour of liberty if the evidence on both sides is equally balanced. In the above example, if two calendars show that it is one day and the other two indicate that it is a different day, the person may follow either option.
- 4) **Compensationalism** says that the person should consider the evidence not only favouring and opposing liberty but also the gravity of the law, the reason for acting against the law, the inconvenience arising from following the strict interpretation of the law and the justness of the cause for selecting the option offering most liberty.

Some laws may be doubtful and provide more options for people. These serve as additional guidelines to the principles of conscience just discussed. But one final question on conscience remains: Is there an additional obligation for people according to their state in life or educational status to have correct consciences? Framed in public administration terminology, the question is: Are public managers or administrators bound to educate their consciences according to the responsibilities they have?

In other contexts, management involves getting things done with the help of other people. That assumes that management means getting things done right. Here, the argument is that getting things done right is only one side of the coin. Management also involves getting the right thing done. What is the right thing? What is the ethical thing to do?

If public managers must not only do thing right but also do what is right, they have an obligation to educate their

conscience according to their state in life. This includes not only management theory and practice but also ethical theory and practice. If managers do not do both, they run the risk of not only being outdated but also of neglecting true managerial responsibility. If managers are educators and teachers, surely they must learn both aspects of the job if they are to fulfill their role of teaching and coaching others.

In educating and updating the conscience, there are two extremes to be avoided. One is not caring about conscience at all – making no effort to learn what is right or what is wrong, or perhaps showing no interest in right and wrong. Some public managers exhibit this characteristic. The other extreme is the person unable to distinguish serious actions from those that are not, whether getting things done right or doing the right thing. There are some public managers who fit this description. Neither extreme is in accord with the concept of conscience, which involves as practical judgment on the morality of human action.

Conclusion

The laws, rules, and conscience do act as sources of ethical guidance. Besides reliance on the nature of an action, its consequences and purpose, laws, rules and conscience provide guidance in determining what is right and what is wrong. **However, in spite of the help that laws, rules and conscience may be to a public administrator, they do not guarantee infallible judgment. While laws and rules would seem to be a deontologically sound frame of reference in making ethical decisions, there are many civil laws, rules, regulations, court decisions and opinions governing almost everything, including ethical decisions.** It is virtually impossible for a public administrator to know all the laws or rules. However, the discussions attempted to provide a framework for understanding civil laws, rules, regulations by linking them with natural law and human reason. The discussion on conscience attempted further to expand this framework and provide a basis for ethical decision making. The end result is far from perfect.

In considering what is right and wrong, public administrators have at their disposal information on the nature of the action performed or about to be performed, the circumstances surrounding the action and the purpose of the action. In addition, laws, rules and regulations provide additional guidance. Everyone has a conscience that can apply those laws, rules and other criteria of morality to specific actions, expect for what religion and theology have to offer, and they

have much that is all public administrators have to make discretionary administrative decisions. Ethics may indeed shortchange them. But if it does, it shortchanges people in all walks of life. The foregoing is the best that human reason can offer as a theoretical framework for assessing morality. Thus we can conclude by saying that what is right for individuals is largely determined by the rights of those individuals and the duties those people are bound to perform.

Accountability

In the arena of ethics, accountability is answerability, enforcement, blameworthiness, liability, and the expectation of account-giving. Broadly speaking, **accountability exists when there is a relationship where an individual or body, and the performance of tasks or functions by that individual or body, are subject to another's oversight in such a manner that the individual or body provides information or justification for their actions to the overseeing entity.**

Answerability is elucidated as the obligation of the government, its agencies and public officials to provide information about their decisions and actions and to justify them to the public and those institutions of accountability tasked with providing oversight. Enforcement proposes that the public or the institution responsible for accountability can sanction the offending party or remedy the breaching behaviour. As such, different institutions of accountability might be responsible for either or both of these stages

In simple words accountability is to take complete responsibility by a person or an organization for what he/she or the organization did or failed to do (which was their duty) and must be able to give satisfactory answers or extend proper reasons for it.

- Accountability as a process is performed after the work is completed or is supposed to have been completed. Thus accountability is to check the completion and standard of the work.

As an aspect of governance, it has been central to discussions related to problems in the public sector, nonprofit, corporate and individual contexts. In leadership roles, accountability is the acknowledgment and assumption of full responsibility for actions, decisions, policies and resulting consequences. **Civil servants though not directly accountable to the people or their representatives are always under the watchful eyes of vigilance authorities and ombudsman of-**

officials, that are present in almost all organisations now, who keep a tab on public servants and hold them indirectly accountable to the people, for their acts of commission or omission while exercising their authority, through the political executive and courts of Law.

If there is no accountability then the civil servants would turn in to despots without checks and balances. Lack of accountability will engender arbitrariness and corruption in the administration.

Difference between Responsibility and Accountability

- The main difference between responsibility and accountability is that responsibility can be shared while accountability cannot. Being accountable not only means being responsible for Accountability something but also ultimately being answerable for your actions.
- Also, accountability is something you hold a person to only after a task is done or not done. Responsibility can be before and/or after a task.
- In ethics and governance, accountability is answerability, blameworthiness, liability, and the expectation of account-giving. Responsibility may refer to: being in charge, being the owner of a task or event.

To understand the difference between responsibility and accountability let us take an example. Suppose Mr. Gupta is presently serving as the District Magistrate and he is entrusted with the task of providing benefits under some government scheme dedicated to the people living below the poverty line. Then it will be his responsibility to ensure that the scheme is properly implemented. At this point one cannot hold Mr. Gupta accountable for performing this task. Mr. Gupta will be held accountable i.e. he will owe an explanation for his actions only if the task is not finished within the stipulated time or the task was not properly implemented.

Types of Accountability

The notion of accountability can be classified according to the type of accountability exercised and/ or the person, group or institution the public official answers to.

Horizontal and Vertical Accountability

Horizontal accountability is the capacity of state institutions to check abuses by other institutions or branches of government, or the requirement for agencies to report sideways. The accountability of the legislature to the ju-

diary or the executive to the legislature is an example of horizontal responsibility. The idea is to create checks and balances and eliminate the chances of abuse of power by any equally placed institution or official.

Vertical accountability is the means through which citizens seek to enforce standards of good performance on officials. In other words Vertical forms of accountability are those in which citizens and their associations play direct roles in holding the powerful to account.

Elections are the formal institutional channel of vertical accountability. But there are also informal processes through which citizens organize themselves into associations capable of lobbying governments and private service providers, demanding explanations and imposing or at least threatening to impose less formal sanctions like negative publicity.

Political and Legal Accountability

Parliament and the judiciary act as horizontal constitutional checks on the power of the executive. The role of these two institutions can be further described in that parliament holds the executive politically accountable, whilst the judiciary holds the executive legally accountable. Parliament is a political institution, while the judiciary can only adjudicate on legal issues. Together, they provide continuing oversight in order to keep the government accountable throughout its term in office. They may also be aided by other institutions, such as supreme audit institutions, anti-corruption commissions, regulatory offices and human rights institutes. These secondary 'autonomous institutions of accountability' are typically designed to be independent of the executive; in the case of supreme audit institutions, anti-corruption commissions and regulatory offices they often report to parliament while in the cases of supreme audit institutions and human rights institutes, they may be part of the judiciary. Political accountability usually establishes itself in the concept of individual ministerial responsibility, which is the basis of the notion of responsible government.

Social Accountability

Social accountability means that public officials, politicians and service providers are held accountable to the public and service users for their conduct and performance. A fundamental principle of democracy is that citizens have a right to demand a governance system that ensures accountability of power holders and public actors. In a democratic society, public actors such as elected officials and civil servants are obliged to be ac-

countable for their conduct and performance. Citizens get a better service when officials respect the public and follow the principles of social accountability. The relationship between democracy and social accountability is therefore important in ensuring that government officials and community representatives respect the wider community.

Social accountability is about involving citizens and communities in the processes of governance so that decisions and actions of the people and organisations with power are made public and can be questioned. This not only improves governance but also leads to better service delivery and to community empowerment.

Diagonal accountability

Diagonal accountability operates in a domain between the vertical and horizontal dimensions. It refers to the phenomenon of direct citizen engagement with horizontal accountability institutions when provoking better oversight of state actions. Citizens, by-pass cumbersome or compromised formal accountability systems to engage in policy-making, budgeting, expenditure tracking and other similar activities and thereby seeks authoritative information along with better appreciation of the task at hand.

The main principles of diagonal accountability are:

- **Participate in Horizontal Accountability Mechanisms** - Community supporters participate in institutions of horizontal accountability, rather than creating distinct and separate institutions of accountability. In this way, agents of vertical accountability seek to insert themselves more directly into the horizontal axis.
- **Information flow-** Community promoters are given an opportunity to access information about government agencies that would normally be limited to the horizontal axis, for instance internal performance reviews etc. Furthermore, they have access to the deliberations and reasons why horizontal accountability institutions make the decisions they do. Meanwhile, community advocates bring first-hand experience about the performance of the government agency to the accountability process.

Diagonal accountability is preferable only when the citizenry at large have some basic understanding of public policy or institutions are set up to create awareness about the art of public administration.

Ethical Accountability

Within an organization, the principles and practices of ethical accountability aim to improve both the internal standard of individual and group conduct as well as external factors, such as promoting sustainable economic and ecological strategies.

Administrative Accountability

Internal rules and norms as well as some independent commission are mechanisms to hold civil servants within the administration of government accountable. Within department or ministry, firstly, behavior is bound by rules and regulations; secondly, civil servants are subordinates in a hierarchy and accountable to superiors. Nonetheless, there are independent “watchdog” (Like CAG) units to scrutinize and hold departments accountable; legitimacy of these commissions is built upon their independence, as it avoids any conflicts of interests.

The Problem of Many Hands

As many different individuals in large organizations contribute in many ways to the decisions and policies, it is difficult even in principle to identify who should be accountable for the results. This is what is known as the problem of many hands. It creates a dilemma for accountability.

If individuals are held accountable or responsible, individuals who could not have prevented the results are either unfairly punished, or they “take responsibility” in a symbolic ritual without suffering any consequences. If only organizations are held accountable, then all individuals in the organization are equally blameworthy or all are excused. Various solutions have been proposed. One is to broaden the criteria for individual responsibility so that individuals are held accountable for not anticipating failures in the organization.

Ethical Governance

Ethics is vital part of governance. **Ethical governance is more than ‘regulatory compliance’.** It is not rule-based but value-based. Human values are ingrained in virtues which, are although difficult to measure, quantify and monitor act as a guiding light for individuals and organisations.

In ethical governance ‘Principle-centred’ guidelines are encouraged to replace ‘rule-based’ ones. It is harder to establish a connection between codified ethics and practical actions than to track compliance on governance or accounting systems but **ethics can be reasonably seen as an intangible, yet powerful, catalyst and supporter of compliance.** Put another way, it is not possible to legislate for ethical behaviour.

For ‘ethical governance’ to be effective, the person involved in any action has to absorb himself to a commitment i.e. a strong conviction that **‘social good’ is more important than ‘individual good’.** It has to come from ‘within’. Whether it is awareness or knowledge, **it should create true transformation ‘within’ for the ‘ethical’ behaviour to happen always on every occasion as a natural instinct.**

True ‘ethical governance’ comes neither from those who do it with ‘I am sacrificing’ attitude nor from those who do with ‘I do sacrifice for the world to know’ attitude. This is major difference between ‘ethical governance’ and other forms of ‘governance’ including activities of Corporate Social Responsibility (CSR) and acts of Philanthropy. The regulatory mechanism can only provide a favourable environment for this to happen. **Punitive environment cannot create ‘transformation’ for ethical governance; it can only guarantee ‘compliance’ approach.**

To ensure ethical governance, an organization has to develop effective systems to address commercial realities, challenging administrative processes and difficult technical facts. This would essentially require, among other things, a well-designed and structured training mechanism which is different from all other types of administrative, corporate or management training.

An organisation which is known to be secure and run on moral principles will be more trusted by people, stakeholders and investors, and it will be more efficacious than the less ethical ones. Ethical leadership is an integral component of ethical governance. Briefly, by operating with a social conscience, the **ethical leader does not just build confidence and loyalty with staff, but builds goodwill among the people, community and society at large.**

Ethical Leadership is not without its challenges. For instance, ethics are often highly specific and affected by multiple factors. Nor can ethical management be instilled in an organization or corporation overnight. **Ethical**

Governance requires habit, and it requires proper regulations. Ethical issues must find and gain support in the work place and also in the society, and finally there must be proper motivation and recognitions given for those wishing to follow Morals. It is well understood that accountability and ethics are strongly related. **Effective accountability assists the accomplishment of ethical standards in the governance system.** Legislative or parliamentary control through questions, debates and committees provide ample opportunity to the people's representatives to raise, among other things, issues of ethics and morality in the governance system.

For instance, the **Public Accounts Committee in India**, which gives its comments on the report of the Comptroller and Auditor General of India in its reports, raises matters that directly or indirectly relate to ethics and good governance. **Reports have indicated that a well-functioning civil service aids to foster good policy making, effective service delivery, accountability and responsibility in utilizing public resources which are the features of good governance.** "Good Governance" is being used as a comprehensive framework not only for administrative and civil service reform but as a link between Civil Service Reform and an all-embracing framework for making policy decisions effective within viable systems of accountability and citizen participation. It can be thus summarized that ethics provides the base for good governance to blossom and ethics should oversee all government business.

Strengthening of Ethical and Moral Values in Governance

There are certain rules, code of conduct which is followed under given compulsion. But compulsion may be broken any moment if there is a mismatch or conflict within doer. So, there is a need of inner deposition consistent with the act. This inner deposition would come by inculcating moral values. These moral values are essential for a person to become real human being. Real transformation as a human being can only bring about a sustainable impact towards Good-Governance. If a person is moral, the action outside becomes voluntary, spontaneous and self-motivated. Naturally, such actions will be much more effective, humane and wholesome in nature. Therefore, values in individual are important because organizational values always derive from individual values. Individual is the foundation of a group, a society or a country as a whole. Our great modern thinkers like Tagore, Vivekanand and Gandhi have devoted their lives to the betterment of our society. They always emphasized purity and strength of human character.

Building of human character is experiential process. Intellectual clarity is important for right kind of emotional development. The normal outgoing tendencies in a man, which tend to land him in a mess, is balanced with a harmonizing inward journey. So, there is need of efforts to blend conceptual insights with the practical issues of value-based human response in organizations.

Administration is not only Public Administration, it related with the whole Government set up and its variety of activities. Administration is required to provide all types of social, economical, and utility services to its citizens for the all round development of the people. Not only this, Administration is required to have capability of acquiring a sustained growth and to cope with new continuous change towards the achievement of progressive political, economical and social objectives, thus leading to National building.

Clean efficient and impartial Administration is necessary for the proper execution of national plans and programs. But, we find corrupt practices, low morale, and favoritism, culture of high consumerism, casteism, and nepotism all around us.

In the organization, there is stress on skills-development, which of course is required to keep pace with the changing technology and requirements. At the same time, efforts to some extent are also being made to develop positive attitude of the government officials towards the desired and behaviors. However, little is achieved through all the efforts made in this direction.

Today, there is lot of gap between theory and practice, belief and action. This gap leads to hypocrisy. This contradiction leads to tensions and stress in the society. According to Gandhi, social development must aim at removing as far as possible this contradiction.

Now days, corruption and power abuse in administration and politics has weaken the nation. The obvious solution is better, more transparent and accountable administration. Such an administration can be trustworthy only when it is based on deeply felt human values. Unless values are inculcated within human beings, their attitude and behavior cannot be changed through superficial efforts.

The need for inculcating values has also been emphasized in the Parliamentary Standing Committees and many other Committees. If sound, positive, noble human values are nurtured within the process of human development, ethical behavior tends to become natural, spontaneous and almost instinctive. Such values only can lead to Good governance.

The involvement of civil society as educator and watchdog

In a modern and democratic society, it is vital to have the support of active and committed citizens, as well as of the organizations in which they come together to give a voice to their concerns, in order to realize political ambitions and objectives.

The economic globalization of today means that decisions are being taken further and further away from the persons affected by them. Ensuring participation of grassroots-level players, through their representative organizations, in policy-shaping and decision-making processes is therefore a key instrument to reinforce the democratic legitimacy of public institutions and their work and activities. Their involvement furthermore facilitates the emergence of a new consensus on the sense and direction of public affairs and makes it possible to shape policies and to make decisions in the general interest.

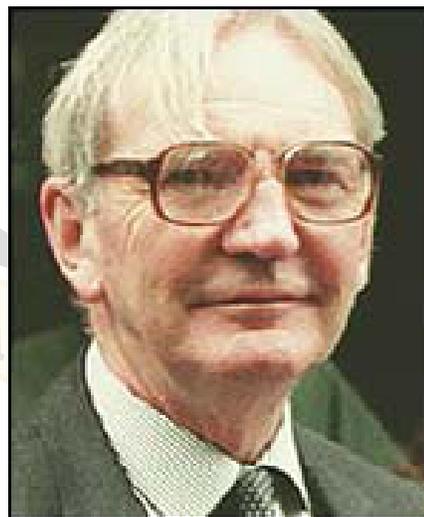
The current challenges facing the India and the growing complexity of the issues at stake are such that the involvement of civil society organizations is now more than ever of particular relevance. Through their experience, expertise and specialized or technical knowledge of the topic in question, the quality and credibility of political decision-making can be greatly enhanced. Furthermore, their participation contributes to a better understanding and acceptance by the public of the decisions, and thus to their implementation in a more effective way.

Enforcement of the Social Contract

The important duty of governance is to effectively and impartially implement what is called the social contract. Hence, it demands a highly competent, well informed administration. It envisages the government institutions to become innovative, participatory and have a good deal of sound policy formulation, open-mindedness, and distinct citizen orientation.

The advancement of ethics and moral values in good governance suggests legality of government action, rationality in policy and decision making, evolving a sense of responsibility, ensuring accountability, strengthening work commitment, creating excellence, facilitating spirit of individual and organizational goals, developing responsiveness, showing compassion, protecting the national interests, protecting the spirit of justice, bringing transparency and elevating integrity. Actually, these values expect the controllers of ancient India to be the civil servants of modern India that are guided by a spirit of service.

Role of ethics and moral values is significant in bringing good governance. There are numerous ways to strengthen the moral values in governance. The most potent advice in this direction comes from the seven famous principles of the Nolan Committee.



Lord Nolan

Facts about the Nolan Committee

In 1994 John Major, the then Prime Minister, announced the establishment of a Committee on Standards in Public Life, under the Chairmanship of Lord Nolan. It is an independent public body which advises government on ethical standards across the whole of public life in the UK.

Lord Nolan began the First Report of his Committee, published in May 1995, by setting out what he called "The Seven Principles of Public Life", often described as "the Nolan Principles".

These principles apply to all aspects of public life. The Committee set them out for the benefit of all who serve the public in any way.

Nolan's SEVEN PRINCIPLES of Public Life

- 1) **Principle of Selflessness:** Holders of public offices should take decision solely in terms of public interest. They should not do anything to gain financial or other material benefits for themselves, their family or their friends.
- 2) **Principle of Integrity:** Holders of public life 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.

- 3) **Principle of 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 only on merit.
- 4) **Principle of 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.
- 5) **Principle of Openness:** Holders of public offices should be as open as possible on all the decisions and actions that they take. They should record reasons for their decisions and restrict information only when the wider public interests clearly demand.
- 6) **Principle of Honesty:** Holders of public offices have a duty to declare any private interest relating to their public duties and to take steps to resolve conflicts arising in a way that protects the public interests.
- 7) **Principle of Leadership:** Holders of public offices should promote and support these principles by way of leadership and examples.

Apart from the above principles the following can instill ethical and moral values in governance

- **Sense of belongingness with the Public:** In order to implement ethics in governance, the elected representative like village Panchayat members, Block Samiti members, Zila Parishad members, Elected members to the local bodies, MLA's and MPs should develop a sense of belongingness with voters of their constituencies; and listen and redress their grievances by visiting them periodically. There should not be any communication gap between the two.
- **Responsible and Responsive Civil Servants:** Each Ministry is headed by a senior level bureaucrat who acts a link between the public and the government. These high level officers should give proper feedback on the problems faced by the public to the concerned Minister and suggest feasible measures that can be adopted to solve the problem within the ambit of law. If possible they should also suggest amendments to the law to address the problem properly.

- **Friendly relations with people:** If there are cordial relations between the government and the people at different levels, then governance will transform into good governance. People will feel that they are part of the administration, and they shall better understand the position of the government if any of their critical demand is not met with, due to any technical reason.

It is said that ethics and moral values can bring good governance and maximum public welfare therefore government and private employers must promote ethical practices in administration.

Morality in governance is of utmost importance because immoral conduct based on corrupt practices compromises the image and credibility of system in eyes of the people. Corruption enables the high and the mighty to transgress the wallets of the poor and accentuates the divide between the have and have-nots. The have-nots, who generally constitute the majority, become disgruntled with the system and express their ire either by revolting against the system or by taking up arms against the established order. The growing instances of insurgency in the country are, among other things, a reaction of the people who are disgruntled with the authorities of governance.

The edifice of a credible system of governance can be created only when the top leadership is absolutely honest and public oriented. It should present its example of integrity, transparency and sensitivity for the lower functionaries to emulate. When top leadership itself is facing allegations, demoralization percolates into the entire structure. There are several instances where money has played an important role in postings, transfers and even appointments. States where such corrupt practices are rampant have poor governance; while states where merit is the guiding principle for public appointments, governance is appreciated and it creates people's faith in the system. Further, in states with objectivity and transparency in implementation of development policies, the governance system is rated highly. In these states, without exception, the leadership has set an example for the lower functionaries to emulate, resulting in mitigation of corruption and increase in sensitivity and response to public demands.

It is also the duty of government to ensure that development, including mining and industrialization, does not affect health and livelihood of people in the vicinity of the project site. Thus, it is the duty of the government to create a system to conduct detailed social cost—benefit analysis so that projects do not infringe upon the peo-

ple's right to clean environment. It is also the duty of government to ensure that projects do not compromise sustainability.

Ethics also implies paying due regard to the ethos and sensitivities of the people. This envisages that those at the helm of affairs pay due regard to the customs of the people and should not, in any way, scoff at their values or traditions, even if they do not conform to the modern way of life.

In this context, ethics in public life assumes a wider ramification as it embraces personal morality as well as a strict code of conduct in inter-personal relationships. Thus, in the ethical fabric, not only formal statutes but also conventions are woven. Conventions, though not enforceable in the courts of law have sanction of the people and their violation erodes public confidence.

Ethical Issues in International Relations and Funding

International ethics is an area of international relations theory which concerns the extent and scope of ethical obligations between states in an era of globalization.

International ethics offers understandings into how nations and other entities treat other nations and its people. Good acquaintance of international ethics provides people with insights to assess the good and harms, the rights and wrongs, which can occur in the international space.

International ethics may be elaborated as that which enables one to participate more actively in shaping and building good international community. The idea behind developing strong set of ethical principles that can shape international relations is to build a fair and just international community.

Why International Ethics is essential in a globalized world?

Nations and multinational organizations were the first ones to cross the boundaries of national domestic spheres to trade or interact with other nations and organizations. Every nation had its own focus, as nations adopted the production methods, technologies, political systems and legal systems from other nations, similar problems began to appear in almost every country. These were not regarded as shared problems that required joint action by all those affected by it. Each country was largely responsible for problems occurring within it. But overtime to-

day we see more and more interconnectedness between people and nations, we see greater interdependence and greater shared responsibilities, which call on nations and other multinational organizations to act jointly. In many spheres international joint action becomes necessary. International ethics may be seen as responding to this need for international action.

BEYOND THE NATIONAL FRONTIERS

Atrocities perpetuated on the Jews by Nazis during the Second World War forced the mankind to enlarge the ambit of ethics to include protection of human rights as a duty of governance. The Universal Declaration of Human Rights has become a charter that is mandated to be sacrosanct for all governments. An international Criminal Court has been created to try and punish those government functionaries who violate the articles of this declaration.

There are international dimensions governing the ethical behaviour of governments. Governments are expected to conform to international laws and treaties. Any violation thereof is treated as unethical and entails sanctions and sometimes international retribution. Fragile states and rogue states are often subjected to international armed intervention. Military action in Syria, Iraq and Afghanistan are examples of the U N action against governments which did not conform to their commitments to the comity of nations. Unethical conduct of governments often entails suffering to large sections of the people.

International governance requires ethical conduct even in an extreme situation like war. The laws of war are well codified and their violation invariably leads to action against those who violate them. Starting with the Second World War, several tribunals have been constituted to punish those who violated the laws of war. Even the USA was forced to take action against its troops who had exceeded the permissible limits of use of force.

Most governments, in order to respect their commitment to protect human rights of their citizens, have constituted Human Rights Commissions as watchdog bodies. While some commissions are working effectively, most are devoid of powers to provide relief to the people and are basically a show piece before the international community. Such initiatives are certainly unethical, both in nature and in content.

International ethics guides international relations and resolution of international conflicts. International ethics guides the international environmental effort to fight against environmental degradation, pandemics, terrorism etc which are common shared problems and which require actions from many nations who are major contributors to forces generating such problems.

International spaces have been filled with governmental organizations and non-governmental organizations having ownership and /or control over issues and aspects that are central to life. There have been democratic governmental organizations and non-democratic governmental organizations interacting and operating in that space. There have been for profit business corporations (MNCs, TNCs, etc) and not-for-profit non-governmental organizations operating in the international space. International spaces are filled with goods and services that are global commons, global public goods and services, collective goods and services that are owned or controlled by more than one individual organization, that are central to human life. **Who is excluded from the international space and who is included in the international space and the reasons of those exclusions or inclusions have a bearing on the expanding nature of the international space and the quality of international relations existing and those continue to be built in it.**

Recognizing the power that human collectives have over nature and economic and social goods and services in the international spaces, it is easier to see how different organizations may be working at counter purposes or competitive purposes. It is also easy to see how and why harms may be done by one against another and without any hope of international justice.

Many issues which have deep ethical implications are present in international spaces that we create or in which we participate in many different ways. International relations can easily thrive in a global system renewed constantly by greater levels of sensitivity to international ethics.

Power and International Ethics

At various times the world attention, gets itself focused on the most powerful nation, both domestically and internationally, a nation that is willing to impose its powerful will on the world, taking into task any nation that challenged its authority and its interests. Many wars and conflicts are indeed triggered by the unilateral moves of dominant nations against other nations that threatened its global interests. International ethics is influenced by various philosophies of international and national power and how this power is played out.

There are beliefs in some quarters that power does not follow any rules and this reasoning (thought faulty) is extended to apply to international spaces and relations. In its so called “anarchy” nature, this belief in power, particularly power not following any rules tilts the global balance in favour of powerful nations and entities and is unfavourable to less powerful nations and entities. What prevails is simply the anarchy of a dominant power imposing its will at will on other nations and entities. Under such assumptions, justice follows national boundaries without any space for international or global justice.

In contrast to “anarchy”, that is, power which does not follow any rules, we can have alternative belief that, yes there is international power, but that power follows certain rules which provide an international order which is qualitatively different from the previous case of anarchy. Power that follows rules of international order is better than power that does not. Some philosophical questions may still be raised: What constitutes power and why follow rules if one has power?

Philosophy of International Relations

(I) Realism and International Ethics

Realism focuses on a single reality, international power. It is the power that one nation has to influence another nation directing and shaping its destiny in the direction it desires namely into a kind of tacit servitude of serving and protecting its interests at the cost of the other. In the international realm, realism holds that the only thing that really matters is power – what power a country has. Nothing else matters – morality, ethics, law, and political systems, legal systems, cultural systems – are all irrelevant. The argument appears to be that in international sphere human nature is such that no one can be trusted each seeks to dominate the other. Either one country will dominate the other or the other will try to dominate the first, so it is better to be the dominating or dominant country. The realist approach to international sphere

or international relations is simply to deny any role for common or shared ethics, and create an ethically neutral zone or an ethics free zone which can be filled by the power of one who is dominant.

Obviously others will perceive realist conception of international space, international relations based solely on the principle of power as quite unjust. There is nothing in realist conception or in realism that prevents someone from making an ethical assessment of the power motivation and the dominant actions of the dominant country and be able to withstand such pressure and claim it to be unethical or unjust. For many people, the attempt to control other people and direct their destinies in the international sphere is repugnant and demoralizing. The old saying may be invoked implicitly, that power corrupts and that absolute power corrupts absolutely. When power is the sole basis of international relations and international action, assessments will be coloured by such perceptions.

Realism conceives the international sphere as a space where “anarchy” prevails and there are no rules. Why would anyone follow rules made externally or made by another? What binding power those rules have that are not made internally? Is a country free if it follows the rules made by another? This claim that there are no binding rules in the international sphere that international relations are committed to follow appears questionable. What if there were agreements between international parties, would those agreements be binding and if so would the rules on the basis of which such agreements made appear to hold. As a test case, consider “human rights” or “human dignity”. Do these rules hold in the international sphere and in international relations? Who will enforce them if they hold? Who will hold another accountable for their violations? Thus in realist conceptions, if power is the only thing that works in international relations, then human rights violations or human dignity violations will continue to occur and there will be no one to stop them except a power greater than itself.

Thus the realist position or realism tends towards a preference for war as the ultimate way to resolve international conflicts to bring about international order by imposing the order of the winners of the conflict. Realism sentiments within Nations may make it rational to pursue power, create power distance and dominance over its neighbours and at the same time seek to balance power by aligning sufficient number of states for a country to counter the power influence of those nations opposed or against it. In this way realism, in thought, word and deed, creates and spawns a world fundamentally divided

into two. There will be no unipolar world for sure, the fact that one exists after the collapse of the Soviet Union is only a temporary phase, somewhat illusory. The world soon responds by restoring and creating balance of power. Such a world where balancing power exists certainly will not rule out world wars or wars in general.

Pursuing realism and realist policies will be detrimental to our common world with its common vision of a humane future for everyone. Realism is incapable of enabling such an achievement. Realism as a field is necessary ingredient for creation of a superpower and a relative independence or servitude as the case may be for others in relation to it. Currently only one country still retains the status of a superpower, and others are expected to follow its lead.

Realism is a theory of balance of power that maintains the power balance in the world. All we can expect is that the most powerful nation on earth will have no one to challenge its power and so there will be peace. This is just a conventional thinking. Deeper reality shows, its power is already being challenged, the name and form of war has changed, shadows overcast over many relations have not disappeared, they remain. There is no real peace.

Realism does well in terms of trade as trade terms are set by the powerful against the weak to reflect the power imbalance and the power advantages. International ethics then, in so far realism is concerned is just the field of international trade wars and international war and peace and the necessity of having some kind of “international justice” dictated and dominated by the rule of the powerful, the dominant country in the relation.

(II) Idealism and International Ethics

Idealism focuses on “common interests” between nations, and not necessarily at the power or power distance or at power balance. It seeks to build the international sphere on the basis of idealist values that are of common interests to nations participating in any international issues and problems.

Idealism built on common interests appears to be stronger in power than unilateral power of realism and hence can have the potential to replace realism in thought, word and deed and as a philosophical thought. Idealism has the potential to create more lasting hopes of peace and of a growing international sphere where mutual interests and common concerns are addressed more earnestly in the true spirit of pursuing what can be regarded as human purposes of human flourishing. Thus the rise of idealism holds out a promise, even though conflicts remain.

Idealism points to trade interests between nations as common interests and as platforms to build better, growing and mutually beneficial international relations. The rise of international and global market place and the growing interdependence between nations are shown to be aiding and being supported by idealism. Human beings and humanity as a whole is capable of displaying high levels of idealism.

In idealism, the international system, international order and the international sphere follow rules, laws and institutions. In idealism, thus ethics, morality, laws, legal systems, international institutions all have a central place. Thus idealism contrasts sharply with realism which emphasized only power. The world becomes less dramatic and less dangerous, even though conflicts are far from removed.

International treaties, the UN organizations and the system, have a central role and supports idealism and idealist thinking endorses it. These provide international ethics guidance, even though it is voluntary, it has rational force of assent and appeal to conscience to be accepted and guided by it. Idealism challenges the dominant views of realism which holds that war is a necessary consequence or necessary evil too easily justifiable by the powerful. Idealism does not rule out the possibility of war, but holds out an "olive branch" to those who can see reason and faith.

(III) Constructivism and International Ethics

Constructivism focuses on things like foreign policy, diplomatic initiatives, etc to shape international relations and the international sphere where a country has credible influence. In these things the focus is on domestic politics and how it shapes foreign policy with what goals in mind. Every nation and every state create a sense of national identity in various ways and nurture it through historical and cultural celebrations and means. Thus national identity is constructed and it in turn is said to influence the way the nations interact.

Basically constructivism allows for influence of national identities and its constructions on the international sphere. International sphere can also be a place where various identities can melt into more humane understanding between people in and through the 'give and take' of identity respects and exchanges.

Constructivism shows that nations resist any threat to their identities, nationalism, national sovereignty that are perceived. They need not be real at all. This works

against attempts to make the world a better place or to change world systems or world order. All such attempts by other nations, however rational they may be, will be resisted if national identity is not respected. Constructivism gives more power to individual nations through its focus on national identity (rather than national interest), which is politically a more powerful instrument to having less to do with other nations in the international sphere than with what furthers and promotes its own identity.

In the 21st century there is rise of identity politics and political power arising out of it harnessed by interested parties for their own advantage. National identities based on religious domains span across countries and will be able to define international relations.

Religious "fault lines" of conflict may open up and trigger problems not only in the international sphere but within a nation itself as a result. It will spread the fire of violence and anger rather than the sparks of peace and humane relations. Identity tensions will be strongly felt and whatever feeds identity tensions and forms them is far from allowing people to be truly free and open in shaping the one world destiny of all of human kind. Cultural identities may not all be good, but they are to be respected even when critically assessed for their role in shaping international spaces, international sphere and international freedoms.

(IV) Cosmopolitanism and International Ethics

Cosmopolitanism shares something in common with idealism, namely, do the right thing. The right thing to be done is to behave as you would want others to behave. It focuses on how we interact in a global community. It holds that since we interact with other countries, we have a moral duty to treat people of that country morally as moral people. Hence the prescription in cosmopolitanism is to "do the right thing". Cosmopolitanism thus empowers international ethics and the development of "global values and ethics" fully.

Cosmopolitanism argues for following morally lawful behaviour. Where rules and laws do not exist, it would require that we come together and negotiate the rules and laws that are ethical to follow and follow them in our relations with people of other countries.

Cosmopolitanism is able to welcome people of all origins and identities without any discrimination or treatment of them as means to some ends. It will give importance to people, their freedom and rights rather than sovereignty of nation states. Some may even use it to argue for

a world government which overrides national interests and boundaries. It is certainly capable of universality in thought, word and deed, although we may not yet see the development of such possibilities today.

Cosmopolitanism focuses on the international community as having an important and in some cases decisive role on determining what a country or nation should or should not do morally. Such developments may be resisted by nations who feel they are at the receiving end of world opinion or world politics and which prefer their national identity and sovereignty sentiments.

(V) Constrained Choices and International Ethics

International ethics guides our choices in the international sphere, but evidently our choices are constrained rather than free. The choices may be constrained by the necessity of pleasing the domestic political support. The choices may be constrained by the identity politics. The choices may be constrained by power equations and balances. Many practical constraints may also be present, surely economic constraints and national interest constraint will not be missing when choices have to be made. Some have argued for preference given for national interests when it is a choice of national interests versus global interests. While accepting in general that a country's goals must be defended as morally right thing to do, a country's goals and interests are several and may be in conflict within themselves without any clarity and more confusion that the general acceptance that it is moral to defend a country's goals becomes meaningless. It has no normative force.

It is no doubt that morality implies choice between two or more alternative states of action. It is sometimes argued that if the practical necessities or constraints are such that they concern the survival or extinction of a state or its identity, any such constraints make morality or ethics, or law or political systems, irrelevant.

(VI) Equality of Life and International Ethics

Every life may be considered as having equal moral weight. In this belief it is the global interest that counts as much as domestic interests. No preference is given by governments or by anybody else to the welfare of citizens of that country. There are no differentiating factors recognized by such governments that distinguish between the welfare of its citizens and those belonging to another country. Everyone has equal rights. Everyone is treated equally in equal respects. In such cases and in the context of such beliefs of equality of life, it becomes meaningful to make sacrifices for others.

People rarely sacrifice themselves for their own near and dear ones. But people sacrificing themselves for others in the international space are truly worthy examples of human greatness and the greatness to which human spirit can rise. Respect for life should guide international ethics, in thought, word and deed. If you have to make decision about which world you want to live in, without knowing what position you will be in, you would choose a world that protects the weakest of the weak, the least advantaged.

Such a world is full of meaning of life and in such a world equality of life will be an accepted principle. Such a world would accord even the unborn right to life, in the principle of equality of all life.

(VII) Economic, Social and Environmental Frameworks and International Ethics

Though context may differ, there are a number of frameworks available for making decisions concerning international actions which have economic, social, and environmental consequences and impacts over future generations. There is a gap between any system of global and international values and international ethics on the ground, because of the widening gap in ground realities between nations and international organizations due to levels of difficult conflict. The frameworks are evolved to provide a way out of the conflict and they are useful to deal with a number of conflicting ideas on international ethics.

The framework provided under UN by its various UN agencies, for example, the framework of Universal Declaration of Human Rights, the framework of Universal Declaration of Human Genome and Human Rights, the various international declarations and conventions do provide the necessary framework for cooperative and collaborative international action necessary to solve international problems.

There are several global institutions concerned with the global economic order, others with the global information order, still others with the global environmental regimes or order, etc. Each of them offers frameworks within which its members are expected to make their choices and decisions and those choices are respected and supported by virtue of the frameworks agreed upon.

Population size, Economic strength and International relations

The size of the nation in terms of population appears less of an influencing factor as the population is contained by migration policies inhibiting or prohibiting international movements in search of economic opportunities. This may be challenged in the future years. Nations with older generations and less younger generations will experience an imbalance of the need for labour. So also nations with younger generations and less older generations will also experience an imbalance.

International policies favour movement of talented and highly capable populations. Various levels of cultural exchanges also take place as people carry their culture with them and learn other people's language and culture as well. International understanding develops and grows. People move across national boundaries and their international overseas interaction and experience provides a dimension to international relations guided by international ethics.

The size of the economy is even more influential driver of international influence and relations. As international trade increases, this sphere of international relations grows, interdependence increases, institutions that facilitate this growth and maturity provide the international ethical guidance necessary for growth and maturity of international relations.

Particularly nations which have large export sectors or large import sectors are dependent on other economies for survival and growth and are vulnerable to developments in the international sphere. For example, in August 2010, the Press was full of news about China becoming the second largest economy overtaking the Japanese economy.

The US remains by far the single largest economy, but it is already feeling the heat of Chinese military might and is revising its international strategy. The Chinese influence in the global economy and in international relations between nations will be on the rise and will find its rightful place in time as it competes with the USA for supremacy. Chinese economy is about four times larger than that of India. In international relations China is more influential than India. It is likely that USA will do everything in its power to see that China does not come near to its strength while pursuing friendly relations and cooperative relations with China. China is also likely to do everything in its power to see that India does not come near to its strength while pursuing more friendly and cooperative relations with India than they were possible until recently.

The size of the economy and the size of the international exchanges (trade and other interactions) define the space for international relations. Something which is good for two or more countries increases their strategic interdependence on each other, and strengthens them against outside competitive challenges and threats.

Competition between Nations

Nations compete in the international space and national advantages are the drivers of the space of international ethics. National disadvantages will work against the expanded role of that nation in international ethics, while national advantages are likely to facilitate its expansion.

It is easier to grasp the international problems and the ethical issues associated with international problems when keeping the picture of various nations competing with one another for natural resources, competing for markets, competing for investments, competing for talents, competing for technology and education.

Nations that do not show potential for competitiveness appear to be left behind, partly due to its own policies and political interests. The measure of success of a nation in international and global space is indicated by several indices such as "the freedom index", "human development index", "happiness index", "the human capital index", "the natural capital index", "the standard of living index" etc. These aspects along with other indices such as "poverty index", "the inequality index", "sustainability index" etc., give a fairly good idea of competitiveness of a country compared to others. The wide differences between nations are causes for concern and it is also a driver as nations take actions domestic and international actions which are aimed at achieving improved ranking and positions compared to others.

Nevertheless competition is everywhere and nations have begun to learn from each other and are competing to be better nations with better governments. This is helping to maintain international ethics up to certain degree

Ecological System Advantages and International relations

Nations are competing for ecological system advantages by doing what they believe will help the environment to preserve its natural capacity and vitality and which will secure for nations an ecological and economic advantage. At the same time, they are not ready to bear much burden for the climate change action which can hamper economic growth in short term.

Philosophical reflection on the natural environment has truly become international and global phenomena. Various insights are available from each of these fields for critical reflection on what harms human beings are doing through the activities they carry out.

Almost every nation has made vision plans for long term future envisaging the changes necessary say for 2030 or for 2050 or for 2100 etc which have domestic and international implications and effects. All such vision plans by various countries are drivers of international and global ethics; they are fundamental claims and promises which are meant to be realized and fulfilled.

Ecological systems concerns offer advantages to various nations for their social and human well being. Environmental or Ecological ethics claims that the only way humanity can survive is by having a new concept of eco-system ethics.

Interdependence, Cooperation and Collaboration

In the shadows of dominant countries, other nations have evolved certain international cooperation and collaboration agreements for a variety of reasons. We are used to seeing one country (a super power) having a dominant role in international relations between nations. International cooperation and collaboration are a measure of countries interdependence with other nations. Such international cooperation provides a measure of international order between them.

It is simpler to conceive of international ethics in the context of cooperation and collaboration as these are based on recognition of their mutual interests in each other. What one country has done to the people of another country, what one group has done to another group provides the general field for international ethics. There may be several fields in which international cooperation has worked well and thus provides the basis for further cooperation and collaboration.

Interdependence between nations through cooperation and collaboration, can provide the basis for a “law of peace” to be established for relations between people.

Diplomatic Relations and Understanding

A small piece of every nation is in every other nation through its diplomatic presence and is immune from the domestic laws of the country in which it is present. Diplomatic initiatives are always available for nations to resolve their differences and come to agreements that ensure peace and security and also to further their rights and interests and to share duties and responsibilities.

The movement of people can be facilitated by the diplomatic presence and provides another driver for international relations and international ethics which guides it. Each country may have its own interests in another country and or in promoting ties with other countries. In each country recognizing the other, there is the “international law of peace”, even though it may not resolve all conflicts between nations. A rule of reason can prevail under such circumstances.

Defence and Military Enterprise

Every country may be seen as using the power it has to achieve its global interests. International ethics can also be regarded as the use of power by one country against another country to achieve its global goals and protecting its national interests. When aggressively pursued it may lead to certain conflicts.

International conflict and wars are still a possibility and it may even be influenced by the defence related establishments which have international reach and influence. Countries choosing to live side by side by the “law of war” cannot easily be persuaded to give up war or preparations for long term uncertain wars. International conventions on “international law of war” may be binding only when international community scrutinizes and insists on it. For example, the news about “China-Pakistan Nuclear Deal” provides a competitive nuclear flash point counter to “USA-India Nuclear Deal” making the region more vulnerable to military presence in the Himalayas or border regions, and thus putting a counter weight to world peace and security and international relations

The Poverty and Wealth of Nations

Nations in search of having more wealth, have to reckon with poverty which hinders them from being active and responsible international actors involved and participating in emerging international issues. Poverty may be a domestic issue, but casts a deep shadow over what a country can do internationally or how inviting a country is for the rest of the world.

Reduction in poverty would be welcomed internationally. “International law of justice” may be invoked to have nations pledge to reduce and remove poverty wherever it is found, through responsible joint actions. The UN framework on Millennium Development Goals calls on nations to reduce poverty to half by 2015 and continue to reduce poverty around the world. Recognizing that the poor of world have a share in the world in which they live and that they have a share in the domestic and international economic and social development is an important aspect of our increasingly global world.

Poverty measures, poverty indices, are available to guide policy. What happens to the world's poor is certainly a driver of international ethics. Several international NGOs operating in this field to remove poverty have frameworks for making decisions and choices which offers another field of international ethics and can drive the values of global solidarity and justice. In international ethics one would like to see richer nations helping poorer nations. One would also like to see relations between them be transformed into win-win relations for both and more beneficial to least advantaged nations.

The Inequality of Nations

We are in an unequal world and facts point out to a world growing in inequalities. Inequalities point to certain conflicts which may be domestic in origin or international, but they are indicators of disturbing trends. In an unequal world, expectations of equity, international equity are high. Any international action must aim at benefiting the least advantaged nations more than that would be expected for a most advantaged nation.

Otherwise, it would appear there would not be an incentive for less advantaged or least advantaged nations to participate in international actions. In cases of such failures, only those international actions which are powered by dominant nations will be carried through creating and endorsing a more divided world with even a greater possibility of future conflict.

International ethics has to guide and deal with how international power is used (or else it is likely to be abused). International inequalities imply that some nations have international power while others do not have. There may have been even historical injustices involved in the rise and fall of nations and their international power. It is important to see international ethical sensitivities harnessing international power for international growth and development, peace and security etc.

Freedom of Speech

Freedom of speech involves religion or world religions, the world press or international press and media, the education sectors, the cultural expressions, exchanges and products. Religions are influential actors in international relations and international peace and security. The international press is an actor and can blow the whistle on nations and their covert or overt activities, revealing uncomfortable or unpalatable truths to the international publics.

Scrutiny of international relations, international power etc are welcome and may be guided by rules of international media ethics which would be part of international ethics as well.

The cultural exchanges provide a mutual appreciation of different culture and cultural differences and a welcome richness of diversity and social inclusion rather than the rampant social exclusion and discrimination.

The education sectors provide the foundation for true sustainable societies and a better world for everyone. The future of the world is driven by what happens to the education sector which spans internationally as people move to countries to gain access to education they desire for their future well being.

Freedom of Information

Another driver for international ethics and international actions is the international and global flow of information. Underlying such actions and activities are the issues of technology, particularly information technology and to what use information and information technology is put internationally and nationally by individuals and countries. Information can confer advantages, so various international gatekeepers can control the flow of information and thus the advantages or disadvantages or create destruction of informational advantages.

Information technologies and their use also may be directed by ideas of international ethics. Information technologies not only regulate the availability and flow of information, they also make it easier for nations and people to communicate conveniently, easily, without any government or individuals interfering in their "private" conversations. Of course this may threaten some as it is possible to carry out "suspicious activity" from the supposedly safe borders of another country against some other country.

Information technology has blessings and also dangers for any country because any country and individual can be reached potentially from anywhere and anytime. To what use such power is put is not entirely determined by national domains. If nations can use their power so also individuals can use technology against certain countries and states to counter such powers.

Scientific Research Agendas and Projects

Science has been a driver of international and global developments. Every country has its community of scientific advisers to offer best science advice to their governments and these are in constant international and global

contact with their counter parts in exchanging ideas and scientific research trends and information that could be strategically employed.

International ethics may be influenced and driven by developments in the scientific research fields. Different research fields have different contexts and so research ethics may be more contextual and international ethics then follows various contextual offerings and multidimensional. This is not just a matter of its scope but also of the very nature of international ethics that it is constantly challenged by international and global research in various contexts.

Our scientists in every field have made critical progress in scientific discoveries and through filtered policies both domestic and international and through educational interchange and exchange, some benefits are offered to humanity as a whole.

Corporate Governance

Corporate governance broadly refers to the mechanisms, processes and relations by which corporations are controlled and directed. Governance structures identify the distribution of rights and responsibilities among different participants in the corporation (such as the board of directors, managers, shareholders, creditors, auditors, regulators, and other stakeholders) and include the rules and procedures for making decisions in corporate affairs.

Corporate Governance may be defined as a set of systems, processes and principles which ensure that a company is governed in the best interest of all stakeholders. It is the system by which companies are directed and controlled. It is about promoting corporate fairness, transparency and accountability. In other words, 'good corporate governance' is simply 'good business'. Corporate governance is a system by which companies can relay to run; at the centre of the system is the board of director whose actions are subject to the law, regulations and the shareholders in general meetings. Shareholders in turn are responsible for appointing the directors and the auditors and it is up to them that the board of directors reports on its stewardship at the annual general meeting.

Corporate governance ensures:

- Adequate disclosures and effective decision making to achieve corporate objectives;
- Transparency in business transactions;
- Statutory and legal compliances;

- Protection of shareholder interests;
- Commitment to values and ethical conduct of business.

In other words, corporate governance is the acceptance by management of the inalienable rights of shareholders as the true owners of the corporation and of their own role as trustees on behalf of the shareholders. It deals with conducting the affairs of a company such that there is fairness to all stakeholders and that its actions benefit the greatest number of stakeholders. In this regard, the management needs to prevent asymmetry of benefits between various sections of shareholders, especially between the owner-managers and the rest of the shareholders.

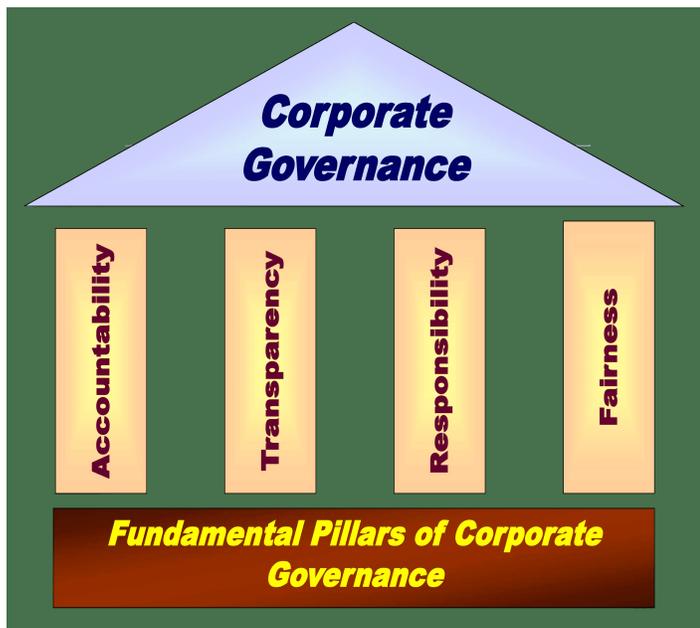
It is about commitment to values, about ethical business conduct and about making a distinction between personal and corporate funds in the management of a company. Ethical dilemmas arise from conflicting interests of the parties involved. In this regard, managers make decisions based on a set of principles influenced by the values, context and culture of the organization. Ethical leadership is good for business as the organization is seen to conduct its business in line with the expectations of all stakeholders.

Corporate governance includes the processes through which corporations' objectives are set and pursued in the context of the social, regulatory and market environment. Governance mechanisms include monitoring the actions, policies and decisions of corporations and their agents.

Corporate governance is the way a by which company polices itself. Briefly, it is a technique of governing the company like a sovereign state, instating its own customs, policies and laws to its employees from the highest to the lowest levels. Corporate governance is intended to increase the accountability of company and to avoid massive disasters before they occur.

Four pillars of corporate governance

The value of corporate governance may well lie on its four pillars, on which the OECD Principles of corporate Governance are based.



Accountability

“You can’t manage what you cannot measure”

The corporate governance framework should provide for the strategic guidance of the company, the effective monitoring of management by the board, and the board’s accountability to the company and shareholders.

Transparency

“Sunlight is the best disinfectant”

The corporate governance framework should ensure that timely and accurate disclosure is made on all matters regarding the company, including its financial situation, performance, ownership, and governance structure.

Responsibility

An effective system of corporate governance must strive to channel the self-interests of managers, directors, and the advisers upon whom they rely, into alignment with corporate, shareholder and public interests. In other words an effective system of corporate governance must encourage cooperation between the company and its stakeholders in creating wealth, jobs and economic sustainability i.e. complete recognition and enforcement of stakeholder’s rights.

Fairness

The fairness of markets is closely linked to investor protection and, in particular, to prevention of improper trading practices, which leads to confidence in the markets.

The corporate governance framework should protect shareholder rights and ensure the equitable treatment of all stakeholders, including minority and foreign shareholders.

Stakeholders and agency dilemma in corporate governance

In corporations, the main external stakeholders are shareholders, debt holders, trade creditors and suppliers, customers, and communities affected by the corporation’s activities. Internal stakeholders are the board of directors, executives, and other employees.

All parties to corporate governance have an interest, whether direct or indirect, in the financial performance of the corporation. Directors, workers and management receive salaries, benefits and reputation, while investors expect to receive financial returns. For lenders, it is specified interest payments, while returns to equity investors arise from dividend distributions or capital gains on their stock. Customers are concerned with the certainty of the provision of goods and services of an appropriate quality; suppliers are concerned with compensation for their goods or services.

Much of the contemporary interest in corporate governance is concerned with mitigation of the conflicts of interests between stakeholders. In large firms where there is a separation of ownership and management and no controlling shareholder, the principal-agent issue arises between upper-management (the “agent”) which may have very different interests, and by definition considerably more information (information asymmetry), than shareholders (the “principals”). The shareholder forgoes decision rights (control) and entrusts the manager to act in the shareholders’ best (joint) interests.

The danger arises that, rather than overseeing management on behalf of shareholders, the board of directors may become insulated from shareholders and beholden to management.

This aspect is particularly present in contemporary public debates and developments in regulatory policy.

Partly as a result of this separation between the shareholders and managers, corporate governance mechanisms include a system of controls intended to help align managers’ incentives with those of shareholders.

Ways of mitigating or preventing these conflicts of interests include the processes, customs, policies, laws, and institutions which have an impact on the way a company is controlled. An important theme of governance is the nature and extent of corporate accountability.

A key factor in a party's decision to participate in or engage with a corporation is their confidence that the corporation will deliver the party's expected outcomes. When categories of parties (stakeholders) do not have sufficient confidence that a corporation is being controlled and directed in a manner consistent with their desired outcomes, they are less likely to engage with the corporation. When this becomes an endemic system feature, the loss of confidence and participation in markets may affect many other stakeholders.

The principal-agent problem or agency dilemma occurs when one person or entity (the "agent") is able to make decisions that impact, or on behalf of, another person or entity: the "principal". The dilemma exists because sometimes the agent is motivated to act in his own best interests rather than those of the principal. Common examples of this relationship include corporate management (agent) and shareholders (principal), or politicians (agent) and voters (principal).

Objectives of Corporate Governance

The aim of "Good Corporate Governance" is to ensure commitment of the board in managing the company in a transparent manner for maximizing long-term value of the company for its shareholders and all other partners. It integrates all the participants involved in a process, which is economic, and at the same time social.

The fundamental objective of corporate governance is to enhance shareholders' value and protect the interests of other stakeholders by improving the corporate performance and accountability. Hence it harmonizes the need for a company to strike a balance at all times between the need to enhance shareholders' wealth whilst not in any way being detrimental to the interests of the other stakeholders in the company.

Further, its objective is to generate an environment of trust and confidence amongst those having competing and conflicting interests. It is integral to the very existence of a company and strengthens investor's confidence by ensuring company's commitment to higher growth and profits.

Broadly, Corporate Governance seeks to achieve the following objectives:

- Transparency in Board's processes and independence in the functioning of Boards. The Board should offer effectual leadership to the company and management for achieving sustained wealth for all stakeholders. It should provide independent judgment for achieving company's objectives.
- Accountability to stakeholders with a view to serve the stakeholders and account to them at regular intervals for actions taken, through strong and sustained communication processes.
- Impartiality to all stakeholders.
- Social, regulatory and environmental concerns.
- Clear and unambiguous legislation and regulations are fundamentals to effective corporate governance.
- A healthy management environment that includes setting up of clear objectives and appropriate ethical framework, establishing due processes, clear enunciation of responsibility and accountability, sound business planning, establishing clear boundaries for acceptable behaviour, establishing performance evaluation measures.
- Explicitly prescribed norms of ethical practices and code of conduct are communicated to all the stakeholders, which should be clearly understood and followed by each member of the organization.
- The objectives of the company must be clearly documented in a long-term corporate strategy including an annual business plan together with achievable and measurable performance targets and milestones.
- A well composed Audit Committee to work as liaison with the management, internal and statutory auditors, reviewing the adequacy of internal control and compliance with significant policies and procedures, reporting to the Board on the key issues.
- Risk is an important element of corporate functioning and governance, which should be clearly identified, analysed for taking appropriate remedial measures. For this purpose the Board should formulate a mechanism for periodic reviews of internal and external risks.
- A clear Whistle Blower Policy whereby the employees may without fear report to the management

about unethical behaviour, actual or suspected frauds or violation of company's code of conduct. There should be some mechanism for adequate safeguard to employees against victimization that serves as whistle-blowers.

The overall endeavour of the board should be to take the organization forward so as to maximize long term value and shareholders' wealth.

Prerequisites and Constituents of Corporate Governance

Today adoption of good Corporate Governance practices has emerged as an integral element for doing business. It is not only a pre-requisite for facing intense competition for sustainable growth in the emerging global market scenario but is also an embodiment of the parameters of fairness, accountability, disclosures and transparency to maximize value for the stakeholders.

Corporate governance cannot be regulated by legislation alone. Legislation can only lay down a common framework – the “form” to ensure standards. The “substance” will ultimately determine the credibility and integrity of the process. Substance is inexorably linked to the mindset and ethical standards of management.

Studies of corporate governance practices across several countries conducted by the Asian

Development Bank, International Monetary Fund, Organization for Economic Cooperation and Development and the World Bank reveal that there is no single model of good corporate governance.

The OECD Code also recognizes that different legal systems, institutional frameworks and traditions across countries have led to the development of a range of different approaches to corporate governance. However, a high degree of priority has been placed on the interests of shareholders.

Irrespective of the model, there are three different forms of corporate responsibilities which all models do respect:

- **Political Responsibilities:** the basic political obligations are abiding by legitimate law; respect for the system of rights and the principles of constitutional state.
- **Social Responsibilities:** the corporate ethical responsibilities, which the company understands and promotes either as a community with shared values or as a part of larger community with shared values.

- **Economic Responsibilities:** acting in accordance with the logic of competitive markets to earn profits on the basis of innovation and respect for the rights/democracy of the shareholders which can be expressed in terms of managements' obligation as 'maximizing shareholders value'.

In addition, business ethics and corporate awareness of the environmental and societal interest of the communities, within which they operate, can have an impact on the reputation and long-term performance of corporations.

The three key constituents of corporate governance are the Board of Directors, the Shareholders and the Management.

1. **A board of directors or board of governors** is a body of elected or appointed members who jointly oversee the activities of a company or organization. The pivotal role in any system of corporate governance is performed by the board of directors. It is accountable to the stakeholders and directs and controls the management. It stewards the company, sets its strategic aim and financial goals and oversees their implementation, puts in place adequate internal controls and periodically reports the activities and progress of the company in the company in a transparent manner to all the stakeholders.

The OECD Principles of Corporate Governance (2004) describe the responsibilities of the board; some of these are summarized below:

- Board members should be informed and act ethically and in good faith, with due diligence and care, in the best interest of the company and the shareholders.
- Review and guide corporate strategy, objective setting, major plans of action, risk policy, capital plans, and annual budgets.
- Oversee major acquisitions and divestitures.
- Select, compensate, monitor and replace key executives and oversee succession planning.
- Align key executive and board remuneration pay with the longer-term interests of the company and its shareholders.
- Ensure a formal and transparent board member nomination and election process.
- Ensure the integrity of the corporations accounting and financial reporting systems, including their independent audit.

- Ensure appropriate systems of internal control are established.
- Oversee the process of disclosure and communications.
- Where committees of the board are established, their mandate, composition and working procedures should be well-defined and disclosed

2. **The shareholders' role** in corporate governance is to appoint the directors and the auditors and to hold the board accountable for the proper governance of the company by requiring the board to provide them periodically with the requisite information in a transparent fashion, of the activities and progress of the company.

3. **The management's** responsibility is to undertake the management of the company in terms of the direction provided by the board, to put in place adequate control systems and to ensure their operation and to provide information to the board on a timely basis and in a transparent manner to enable the board to monitor the accountability of management to it.

The underlying principles of corporate governance revolve around three basic inter-related segments. These are:

- 1) **Integrity and Fairness**
- 2) **Transparency and Disclosures**
- 3) **Accountability and Responsibility**

Main Constituents of Good Corporate Governance

- 1) **Role and powers of Board:** the foremost requirement of good corporate governance is the clear identification of powers, roles, responsibilities and accountability of the Board, CEO and the Chairman of the board.
- 2) **Legislation:** a clear and unambiguous legislative and regulatory framework is fundamental to effective corporate governance.
- 3) **Code of Conduct:** it is essential that an organization's explicitly prescribed code of conduct is communicated to all stakeholders and it is clearly understood by them. There should be some system in place to periodically measure and evaluate the adherence to such code of conduct by each member of the organization.
- 4) **Board Independence:** an independent board is essential for sound corporate governance. It means that the board is capable of assessing the performance of managers with an objective perspective. Hence, the majority of board members should be independent of both the management team and any commercial dealings with the company. Such independence ensures the effectiveness of the board in supervising the activities of management as well as make sure that there are no actual or perceived conflicts of interests.
- 5) **Board Skills:** in order to be able to undertake its functions effectively, the board must possess the necessary blend of qualities, skills, knowledge and experience so as to make quality contribution. It includes operational or technical expertise, financial skills, legal skills as well as knowledge of government and regulatory requirements.
- 6) **Management Environment:** includes setting up of clear objectives and appropriate ethical framework, establishing due processes, providing for transparency and clear enunciation of responsibility and accountability, implementing sound business planning, encouraging business risk assessment, having right people and right skill for jobs, establishing clear boundaries for acceptable behaviour, establishing performance evaluation measures and evaluating performance and sufficiently recognizing individual and group contribution.
- 7) **Board Appointments:** to ensure that the most competent people are appointed in the board, the board positions must be filled through the process of extensive search. A well defined and open procedure must be in place for reappointments as well as for appointment of new directors.
- 8) **Board Induction and Training:** is essential to ensure that directors remain abreast of all development, which are or may impact corporate governance and other related issues.
- 9) **Board Meetings:** are the forums for board decision making. These meetings enable directors to discharge their responsibilities. The effectiveness of board meetings is dependent on carefully planned agendas and providing relevant papers and materials to directors sufficiently prior to board meetings.
- 10) **Strategy Setting:** the objective of the company must be clearly documented in a long term corporate strategy including an annual business plan together with achievable and measurable performance targets and milestones.

11) Business and Community Obligations: though the basic activity of a business entity is inherently commercial yet it must also take care of community's obligations. The stakeholders must be informed about the approval by the proposed and ongoing initiatives taken to meet the community obligations.

12) Financial and Operational Reporting: the board requires comprehensive, regular, reliable, timely, correct and relevant information in a form and of a quality that is appropriate to discharge its function of monitoring corporate performance.

13) Monitoring the Board Performance: the board must monitor and evaluate its combined performance and also that of individual directors at periodic intervals.

14) Audit Committee: is inter alia responsible for liaison with management, internal and statutory auditors, reviewing the adequacy of internal control and compliance with significant policies and procedures, reporting to the board on the key issues.

15) Risk Management: risk is an important element of corporate functioning and governance. There should be a clearly established process of identifying, analysing and treating risks, which could prevent the company from effectively achieving its objectives. The board has the ultimate responsibility for identifying major risks to the organization, setting acceptable levels of risks and ensuring that senior management takes steps to detect, monitor and control these risks.

Codes and guidelines

Corporate governance principles and codes have been developed in different countries and issued from stock exchanges, corporations, institutional investors, or associations (institutes) of directors and managers with the support of governments and international organizations. As a rule, compliance with these governance recommendations is not mandated by law, although the codes linked to stock exchange listing requirements may have a coercive effect.

One of the most influential guidelines has been the Organisation for Economic Co-operation and Development (OECD) Principles of Corporate Governance. The OECD guidelines are often referenced by countries developing local codes or guidelines.

Building on the work of the OECD, other international organizations, private sector associations and more than 20 national corporate governance codes formed the UN

Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting (ISAR) to produce their Guidance on Good Practices in Corporate Governance Disclosure. This internationally agreed benchmark consists of more than fifty distinct disclosure items across five broad categories:

- Auditing Board and management structure and process
- Corporate responsibility and compliance in organization
- Financial transparency and information disclosure
- Ownership structure and exercise of control rights
- Internal corporate governance controls:
- Monitoring by the board of directors

Internal control procedures and internal auditors

Internal control procedures are policies implemented by an entity's board of directors, audit committee, management, and other personnel to provide reasonable assurance of the entity achieving its objectives related to reliable financial reporting, operating efficiency, and compliance with laws and regulations.

Internal auditors are personnel within an organization who test the design and implementation of the entity's internal control procedures and the reliability of its financial reporting.

Balance of power

The simplest balance of power is very common; require that the President be a different person from the Treasurer. This application of separation of power is further developed in companies where separate divisions check and balance each other's actions. One group may propose company-wide administrative changes, another group review and can veto the changes, and a third group check that the interests of people (customers, shareholders, employees).

Remuneration

Performance-based remuneration- It may be in the form of cash or non-cash payments such as shares and share options, superannuation or other benefits. Monitoring by large shareholders and/or monitoring by banks and other large creditors

External corporate governance controls:

External corporate governance controls encompass the controls external stakeholders exercise over the organization. Examples include:

- competition
- debt covenants
- demand for and assessment of performance information (especially financial statements)
- government regulations
- managerial labour market
- media pressure
- takeovers

Benefits of Corporate Governance

The concept of corporate governance has been attracting public attention for quite some time. It has been finding wide acceptance for its relevance and importance to the industry and economy. It contributes not only to the efficiency of a business enterprise, but also, to the growth and progress of a country's economy.

Progressively, firms have voluntarily put in place systems of good corporate governance for the following reasons:

- Several studies in India and abroad have indicated that markets and investors take notice of well managed companies and respond positively to them. Such companies have a system of good corporate governance in place, which allows sufficient freedom to the board and management to take decisions towards the progress of their companies and to innovate, while remaining within the framework of effective accountability.
- In today's globalised world, corporations need to access global pools of capital as well as attract and retain the best human capital from various parts of the world. Under such a scenario, unless a corporation embraces and demonstrates ethical conduct, it will not be able to succeed.
- The credibility offered by good corporate governance procedures also helps maintain the confidence of investors – both foreign and domestic – to attract more long-term capital. This will ultimately induce more stable sources of financing.
- A corporation is a congregation of various stakeholders, like customers, employees, investors, vendor partners, government and society. Its growth re-

quires the cooperation of all the stakeholders. Hence it imperative for a corporation to be fair and transparent to all its stakeholders in all its transactions by adhering to the best corporate governance practices.

Good Corporate Governance standards add considerable value to the operational performance of a company by:

- a) improving strategic thinking at the top through induction of independent directors who bring in experience and new ideas;
- b) rationalizing the management and constant monitoring of risk that a firm faces globally;
- c) limiting the liability of top management and directors by carefully articulating the decision making process;
- d) assuring the integrity of financial reports, etc.

It also has a long term reputational effects among key stakeholders, both internally and externally.

- The instances of financial crisis have brought the subject of corporate governance to the surface. They have shifted the emphasis on compliance with substance, rather than form, and brought to sharper focus the need for intellectual honesty and integrity. This is because financial and non-financial disclosures made by any firm are only as good and honest as the people behind them.
- Good governance system, demonstrated by adoption of good corporate governance practices, builds confidence amongst stakeholders as well as prospective stakeholders. Investors are willing to pay higher prices to the corporates demonstrating strict adherence to internally accepted norms of corporate governance.
- Effective governance reduces perceived risks, consequently reduces cost of capital and enables board of directors to take quick and better decisions which ultimately improves bottom line of the corporates.
- Adoption of good corporate governance practices provides long term sustenance and strengthens stakeholders' relationship.
- A good corporate citizen becomes an icon and enjoys a position of respect. Potential stakeholders aspire to enter into relationships with enterprises whose governance credentials are exemplary.

- Adoption of good corporate governance practices provides stability and growth to the enterprise.

Effectiveness of corporate governance system cannot merely be legislated by law neither can any system of corporate governance be static. As competition increases, the environment in which firms operate also changes and in such a dynamic environment the systems of corporate governance also need to evolve. Failure to implement good governance procedures has a cost in terms of a significant risk premium when competing for scarce capital in today's public markets.

Limitations and Future Prospects of Corporate Governance:

The issues of governance, accountability and transparency in the affairs of the company, as well as about the rights of shareholders and role of Board of Directors have never been so prominent as it is today.

India has become one of the fastest emerging nations to have aligned itself with the international trends in Corporate Governance. As a result, Indian companies have increasingly been able to access to newer and larger markets around the world; as well as able to acquire more businesses. The response of the government and the regulators have also been admirably quick to meet the challenges of corporate delinquency. But, as the global environment changing continuously, there is a greater need of adopting and sustaining good corporate governance practices for value creation and building corporations of the future.

It is true that the 'corporate governance' has no unique structure or design and is largely considered ambiguous. There is still lack of awareness about its various issues, like, quality and frequency of financial and managerial disclosure, compliance with the code of best practice, roles and responsibilities of Board of Directories, shareholders rights, etc. There have been many instances of failure and scams in the corporate sector, like collusion between companies and their accounting firms, presence of weak or ineffective internal audits, lack of required skills by managers, lack of proper disclosures, non-compliance with standards, etc.

As a result, both management and auditors have come under greater scrutiny. But, with the integration of Indian economy with global markets, industrialists and corporates in the country are being increasingly asked to adopt better and transparent corporate practices. The degree to which corporations observe basic principles of

good corporate governance is an increasingly important factor for taking key investment decisions. If companies are to reap the full benefits of the global capital market, capture efficiency gains, benefit by economies of scale and attract long term capital, adoption of corporate governance standards must be credible, consistent, coherent and inspiring.

Quality of corporate governance primarily depends on following factors, namely:- integrity of the management; ability of the Board; adequacy of the processes; commitment level of individual Board members; quality of corporate reporting; participation of stakeholders in the management; etc. Since this is an important element affecting the long-term financial health of companies, good governance framework also calls for effective legal and institutional environment, business ethics and awareness of the environmental and societal interests. Hence, in the years to come, corporate governance will become more relevant and a more acceptable practice worldwide. This is easily evident from the various activities undertaken by many companies in framing and enforcing codes of conduct and honest business practices; following more stringent norms for financial and non-financial disclosures, as mandated by law; accepting higher and appropriate accounting standards; enforcing tax reforms coupled with deregulation and competition; etc.

However, inapt application of corporate governance requirements can adversely affect the relationship amongst participants of the governance system. As owners of equity, institutional investors are increasingly demanding a decisive role in corporate governance. Individual shareholders, who usually do not exercise governance rights, are highly concerned about getting fair treatment from controlling shareholders and management. Creditors, especially banks, play a key role in governance systems, and serve as external monitors over corporate performance. Employees and other stakeholders also play an important role in contributing to the long term success and performance of the corporation. Thus, it is necessary to apply governance practices in a right manner for better growth of a company.

There is a greater need to increase awareness among entrepreneurs about the various aspects of corporate governance. There are some of the areas that need special attention, namely-**Quality of audit, which is at the root of effective corporate governance; Role of Board of Directors as well as accountability of the CEOs and CFOs; Quality and effectiveness of the legal, administrative and regulatory framework;** etc.

Legal Framework for Corporate Governance

In rapidly changing national and global business environment, it has become necessary that regulation of corporate entities is in tune with the emerging economic trends, encourage good corporate governance and enable protection of the interests of the investors and other stakeholders.

Further, due to continuous increase in the complexities of business operation, the forms of corporate organizations are constantly changing. As a result, there is a need for the law to take into account the requirements of different kinds of companies that may exist and seek to provide common principles to which all kinds of companies may refer while devising their corporate governance structure.

The important legislations for regulating the entire corporate structure and for dealing with various aspects of governance in companies are Companies Act, 1956 (Now Companies Act 2013). These laws have been introduced and amended, from time to time, to bring more transparency and accountability in the provisions of corporate governance. That is, corporate laws have been simplified so that they are amenable to clear interpretation and provide a framework that would facilitate faster economic growth. Secondly, the Securities Contracts (Regulation) Act, 1956, Securities and Exchange Board of India Act, 1992 and Depositories Act, 1996 and Securities and Exchange Board of India (SEBI), are to protect the interests of investors in the securities markets as well as to maintain the standards of corporate governance in the country.

Companies Act 2013 (Highlights)

The Companies act 2013 replaced the decades old Companies act 1956. The major highlights of the 2013 Act are given below:

- The maximum number of shareholders for a private company is now fixed at 200 the previous cap was 50
- The concept of One Person Company is introduced for the first time
- Formation of Company Law Appellate Tribunal & Company Law Tribunal
- Corporate Social responsibility has been made mandatory under the 2013 act

Salient Features of the Companies Act 2013

- It has introduced the concept of 'Dormant Companies'. Dormant companies are those that have not engaged in business for two years consecutively.
- It introduced the National Company Law Tribunal. It is a quasi-judicial body in India adjudicating issues concerning companies. It replaced the Company Law Board.
- It provides for self-regulation concerning disclosures and transparency rather than having a government-approval based regime.
- Documents have to be maintained in electronic form.
- Official liquidators have adjudicatory powers for companies having net assets of up to Rs.1 crore.
- The procedure for mergers and amalgamations have been made faster and simpler.
- Cross-border mergers are allowed by this Act (foreign company merging with Indian company and reverse) but with the permission of the Reserve Bank of India.
- The concept of a one-person company has been introduced. This is a new type of private company which may have only one director and one shareholder. The 1956 Act required at least two directors and two shareholders for a private company.
- Having independent directors has been made a statutory requirement for public companies.
- For a prescribed class of companies, women directors are mandatory.
- All companies should have at least one director who has been a resident of India for not less than 182 days in the last calendar year.
- The Act provides for entrenchment (apply extra-legal safeguards) of the articles of association.
- The Act mandates at least 7 days of notice for calling board meetings.
- In this Act, the duties of a Director has been defined. It has also defined the duties of 'Key Managerial Personnel' and 'Promoter'.
- For public companies, there should be a rotation of audit firms and auditors. The Act also prevents auditors from performing non-audit services to the com-

pany. In case of non-compliance, there is substantial criminal and civil liability for an auditor.

- The whole process of rehabilitation and liquidation of the companies in the case of the financial crisis has been made time-bound.
- The Act makes it mandatory for companies to form CSR committees, and formulate CSR policies. For certain companies, mandatory disclosures have been made with regard to CSR.
- Listed companies ought to have one director to represent small shareholders as well.
- There is provision for search and seizure of documents, during investigation, without an order from a magistrate.
- Norms have been made stringent for accepting deposits from the public.
- Setting up of the National Financial Reporting Authority (NFRA) has been provided for. It engages in the establishment and enforcement of accounting and auditing standards and oversight of the work of auditors. (Due to notification of NFRA, India is now eligible for membership of the International Forum of Independent Audit Regulators (IFIAR).)
- The Act bans key managerial personnel and directors from purchasing call and put options of shares of the company, if such person is reasonably expected to have access to price-sensitive information.
- The Act offers more power to shareholders in that it provides for shareholders' approval for many major transactions.

Companies (Amendment) Act, 2019

This Act was passed by the Parliament in July 2019. The changes recommended under the latest amendment to the Companies Act are as follows:

- Companies will have to keep an unspent amount into a special account for the purpose of CSR.
- This amount, if left unspent after a period of 3 years, will be moved into a fund specified in Schedule VII of the Act. This could even be the Prime Minister's Relief Fund.
- Under this Act, the Registrar of Companies can initiate action for the removal of the company's name from the Register of Companies if it is not conducting business or operation as per the Company Law.

- 16 minor offences mentioned in the Act have been decriminalised (made civil defaults).

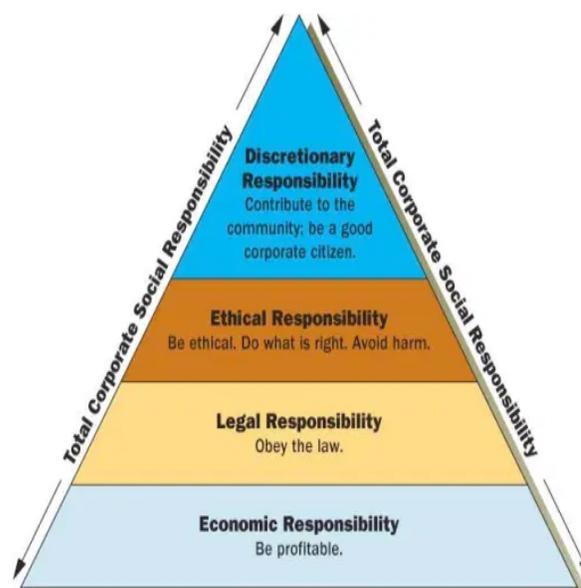
Corporate Social responsibility

Corporate social responsibility (CSR) is a self-regulating business model that helps a company be socially accountable—to itself, its stakeholders, and the public. By practicing corporate social responsibility, also called corporate citizenship, companies can be conscious of the kind of impact they are having on all aspects of society, including economic, social, and environmental. To engage in CSR means that, in the ordinary course of business, a company is operating in ways that enhances society and the environment, instead of contributing negatively to them.

The balance of pursuing market opportunities while maintaining accountability and ethical integrity has proved a defining challenge for business enterprise since the arrival of the joint-stock company in the early years of industrialism. The accountability and responsibility of business enterprise is constantly subject to question. The manifest failures of corporate governance and business ethics in the global financial crisis have increased the urgency of the search for a better ethical framework and governance for business. A substantial increase in the range, significance and impact of corporate social and environmental initiatives in recent years suggests the growing materiality of a more ethically-informed approach. However challenging the prospects, there are growing indications of large corporations taking their social and environmental responsibilities more seriously, and of these issues becoming more critical in the business agenda.

The narrow focus of corporate governance exclusively upon the internal control of the firm and simply complying with regulation is no longer tenable. In the past this has allowed corporations to act in extremely irresponsible ways by externalising social and environmental costs. Corporate objectives described as "wealth generating" too frequently have resulted in the loss of well-being to communities and the ecology. But increasingly in the future the license to operate will not be given so readily to corporations and other entities. A license to operate will depend on maintaining the highest standards of integrity and practice in corporate behavior. Corporate governance essentially will involve sustained and responsible monitoring of not just the financial health of the company, but the social and environmental impact of the company.

Corporate social and environmental responsibility (CSR) seems to be rapidly moving from the margins to the mainstream of corporate activity, with greater recognition of a direct and inescapable relationship between corporate governance, corporate responsibility, and sustainable development. **Corporate Social Responsibility is a management concept whereby companies integrate social and environmental concerns in their business operations and interactions with their stakeholders. CSR is generally understood as being the way through which a company achieves a balance of economic, environmental and social imperatives (“Triple Bottom-Line- Approach”), while at the same time addressing the expectations of shareholders and stakeholders. In this sense it is important to draw a distinction between CSR, which can be a strategic business management concept, and charity, sponsorships or philanthropy**



Total Corporate Social responsibility Pyramid

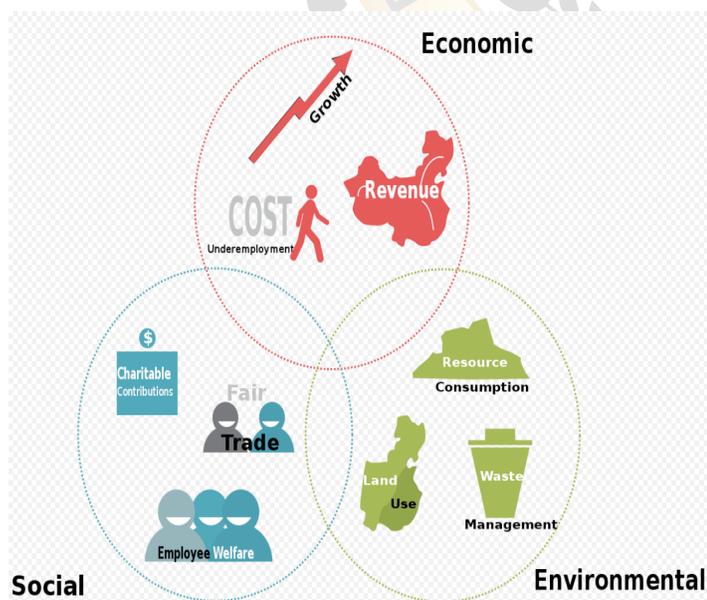
Triple Bottom Line Approach

The triple bottom line is an accounting framework with three parts: **social, environmental and financial**. Some organizations have adopted the TBL framework to evaluate their performance in a broader perspective to create greater business value. Business writer **John Elkington** claims to have coined the phrase in **1994**.

BENEFITS OF A ROBUST CSR PROGRAMME

As the business environment gets increasingly complex and stakeholders become vocal about their expectations, good CSR practices can only bring in greater benefits, some of which are as follows:

- Communities provide the licence to operate:** Apart from internal drivers such as values and ethos, some of the key stakeholders that influence corporate behaviour include governments (through laws and regulations), investors and customers. In India, a fourth and increasingly important stakeholder is the community, and many companies have started realising that the 'licence to operate' is no longer given by governments alone, but communities that are impacted by a company's business operations. Thus, a robust CSR programme that meets the aspirations of these communities not only provides them with the licence to operate, but also to maintain the licence, thereby precluding the 'trust deficit'.
- Attracting and retaining employees:** Several human resource studies have linked a company's ability to attract, retain and motivate employees with their CSR commitments. Interventions that encourage and enable employees to participate are shown to increase employee morale and a sense of belonging to the company.
- Communities as suppliers:** There are certain innovative CSR initiatives emerging, wherein companies



have invested in enhancing community livelihood by incorporating them into their supply chain. This has benefitted communities and increased their income levels, while providing these companies with an additional and secure supply chain.

- **Enhancing corporate reputation:** The traditional benefit of generating goodwill, creating a positive image and branding benefits continue to exist for companies that operate effective CSR programmes. This allows companies to position themselves as responsible corporate citizens.

Present Status of CSR in India

India is the first country in the world to make corporate social responsibility (CSR) mandatory, following an amendment to the Companies Act, 2013. Businesses can invest their profits in areas such as **education, poverty, gender equality, and hunger** as part of any CSR compliance.

Amid the COVID-19 (coronavirus) outbreak, the Ministry of Corporate Affairs has notified that companies' expenditure to fight the pandemic will be considered valid under CSR activities. Funds may be spent on various activities related to COVID-19 such as promotion of healthcare including preventive healthcare and sanitation, and disaster management.

The amendment notified in the Companies Act, 2013 requires companies with a net worth of INR 5 billion (US\$70 million) or more, or an annual turnover of INR 10 billion (US\$140 million) or more, or net profit of INR 50 million (US\$699,125) or more, to spend 2 percent of their average net profits of three years on CSR.

Prior to that, the CSR clause was voluntary for companies, though it was mandatory to disclose their CSR spending to shareholders. CSR includes but is not limited to the following:

- Projects related to activities specified in the Companies Act; or
- Projects related to activities taken by the company board as recommended by the CSR Committee, provided those activities cover items listed in the Companies Act.

Businesses must note that the expenses towards CSR are not eligible for deduction in the computation of taxable income. The government, however, is considering a re-evaluation of this provision, as well as other CSR provisions recently introduced under the Companies (Amendment) Act, 2019.

WHAT'S YOUR CORPORATE SOCIAL RESPONSIBILITY?

Every company having net worth of ₹500 cr or more, turnover of ₹1,000 cr or more, or a net profit of ₹5 cr or more during a financial year required to form a corporate social responsibility committee of the board

Board to ensure the company spends, in every financial year, at least 2% of its average net profit during the three immediately preceding financial years on CSR

Companies Act, 2013, lists following as CSR

- Eradicating extreme hunger and poverty;
- Promotion of education;
- Promoting gender equality and empowering women;
- Reducing child mortality and improving maternal health;
- Combating human immunodeficiency virus, acquired immune deficiency syndrome, malaria and other diseases;
- Ensuring environmental sustainability;
- Employment enhancing vocational skills;
- Social business projects;
- Contribution to the Prime Minister's National Relief Fund or any other fund set up by the Centre or states for socio-economic development & relief and funds for the welfare of the Scheduled Castes, the Scheduled Tribes, other backward classes, minorities and women;
- Such other matters as may be prescribed

CSR amendments under the Companies (Amendment) Act, 2019

- Until now, if a company was unable to fully spend its CSR funds in a given year, it could carry the amount forward and spend it in the next fiscal, in addition to the money allotted for that year.
- The CSR amendments introduced under the Act now require companies to deposit the unspent CSR funds into a fund prescribed under Schedule VII of the Act within the end of the fiscal year. This amount must be utilized within three years from the date of transfer, failing which the fund must be deposited in to one of the specified funds.
- The new law prescribes for a monetary penalty as well as imprisonment in case of non-compliance. The penalty ranges from INR 50,000 (US\$700) to INR 2.5 million (US\$35,000) whereas the defaulting officer of the company may be liable to imprisonment for up to three years, or a fine up to INR 500,000 (US \$7,023), or both.
- The government, however, is reviewing these rules after the industry objected to the strict provisions, especially with respect to the jail terms for CSR violations, and is yet to operationalize them.

The methodology of CSR

CSR is the procedure for assessing an organization's impact on society and evaluating their responsibilities. It begins with an assessment of the following aspects of each business:

- Customers;
- Suppliers;
- Environment;
- Communities; and,
- Employees.

The most effective CSR plans ensure that while organizations comply with legislation, their investments also respect the growth and development of marginalized communities and the environment. CSR should also be sustainable – involving activities that an organization can uphold without negatively affecting their business goals.

- Organizations in India have been quite sensible in taking up CSR initiatives and integrating them into their business processes.
- It has become progressively projected in the Indian corporate setting because organizations have recognized that besides growing their businesses, it is also important to shape responsible and supportable relationships with the community at large.
- Companies now have specific departments and teams that develop specific policies, strategies, and goals for their CSR programs and set separate budgets to support them.
- Most of the time, these programs are based on well-defined social beliefs or are carefully aligned with the companies' business domain.

CSR trends in India

Since the applicability of mandatory CSR provision in 2014, CSR spending by corporate India has increased significantly. In 2018, companies spent 47 percent higher as compared to the amount in 2014-15, contributing US\$1 billion to CSR initiatives, according to a survey.

Listed companies in India spent INR 100 billion (US\$1.4 billion) in various programs ranging from educational programs, skill development, social welfare, healthcare, and environment conservation, while the [Prime Minister's Relief Fund](#) saw an increase of 139 percent in CSR contribution over last one year.

The education sector received the maximum funding (38 percent of the total) followed by hunger, poverty, and healthcare (25 percent), environmental sustainability (12 percent), rural development (11 percent). Programs such as [technology incubators](#), [sports](#), [armed forces](#), [reducing inequalities](#) saw negligible spends. Taking into ac-

count the recent amendments to CSR provisions, industry research estimates CSR compliance to improve and range between 97 to 98 percent by FY 2019-20.

Prominent Examples of CSR activities in India



Tata Group

The Tata Group conglomerate in India carries out various CSR projects, most of which are community improvement and poverty alleviation programs. Through self-help groups, it has engaged in women empowerment activities, income generation, rural community development, and other social welfare programs. In the field of education, the Tata Group provides scholarships and endowments for numerous institutions. The group also engages in healthcare projects, such as the facilitation of child education, immunization, and creation of awareness of AIDS. Other areas include economic empowerment through agriculture programs, environment protection, providing sports scholarships, and infrastructure development, such as hospitals, research centers, educational institutions, sports academy, and cultural centers.

Mahindra & Mahindra

Indian automobile manufacturer Mahindra & Mahindra (M&M) established the K. C. Mahindra Education Trust in 1954, followed by Mahindra Foundation in 1969 with the purpose of promoting education. The company primarily focuses on education programs to assist economically and socially disadvantaged communities. Its CSR pro-

grams invest in scholarships and grants, livelihood training, healthcare for remote areas, water conservation, and disaster relief programs. M&M runs programs such as Nanhi Kali focusing on education for girls, Mahindra Pride Schools for industrial training, and Lifeline Express for healthcare services in remote areas.

ITC Group

ITC Group, a conglomerate with business interests across hotels, FMCG, agriculture, IT, and packaging sectors has been focusing on creating sustainable livelihood and environment protection programs. The company has been able to generate sustainable livelihood opportunities for six million people through its CSR activities.

Their e-Choupal program, which aims to connect rural farmers through the internet for procuring agriculture products, covers 40,000 villages and over four million farmers. It's social and farm forestry program assists farmers in converting wasteland to pulpwood plantations. Social empowerment programs through micro-enterprises or loans have created sustainable livelihoods for over 40,000 rural women.

Ultratech Cement

Ultratech Cement, India's biggest cement company is involved in social work across 407 villages in the country aiming to create sustainability and self-reliance. Its CSR activities focus on healthcare and family welfare programs, education, infrastructure, environment, social welfare, and sustainable livelihood.

The company has organized medical camps, immunization programs, sanitization programs, school enrollment, plantation drives, water conservation programs, industrial training, and organic farming programs.

“Empowering Endeavours”

ETHICS

UNIT-6

PROBITY IN GOVERNANCE

Concept of Public Service

The term public service carries different meanings in differing contexts. **The general meaning of 'public service' is in the sense of a public utility, i.e., it refers to the kind of services governments commonly provide- electricity, healthcare, maintenance of law and order, urban and rural infrastructure, etc.- where the prime criteria of success of the public services is there availability, affordability and accessibility.** In this connection, the delivery of public service means the goods and services offered by government institutions to the public, and it includes the interface between the citizen and the administration.

A public service is a service which is provided by government to people. Services are provided or supported by a government or its agencies. Public service is done to help people rather than to make a profit. A public service may sometimes have the characteristics of a public good (being non-rivalrous and non-excludable i.e. individuals cannot be effectively excluded from use and where use by one individual does not reduce availability to others).

However, a second meaning of public service refers to all the public functionaries, including all those working in the defence, judiciary and the governance system who are presently working for the providing security, welfare and justice to the people. **Therefore, the terms Public Service and Civil Service (or Public servant and Civil Servant) are often used interchangeably.**

Hence we can broadly conclude that public service is associated with government and it is offered by administrative bodies to people living within its region and con-

sidered essential to modern life. The term is linked with a social agreement (usually expressed through democratic elections) that numerous services should be offered to all, irrespective of income. **Even where public services are neither publicly provided nor publicly financed, for social and political reasons they are usually subject to directive going beyond that applying to most economic sectors.** Public service is also subject taught in education curriculum of students in colleges and university such as the fire brigade, police, army, and paramedics. It is stated that the provision of public services for example health care, education, sanitation and criminal justice is major duty of government. People care about public services and depend on them being delivered well. Public services offer the most common interface between people and the state, and their functioning shapes people's sense of trust in and expectations of government. At every level, public services support human welfare and economic growth.

A proficient public service is vital for creating a favourable investment climate and facilitating people's participation in economic life. In pattern of globalization, governments undergo numerous cross-cutting issues, such as economic instability, climate change and migration. Public service delivery has developed new dimensions as governments need to respond not only to changes in the global environment but also to the demands of an active citizenry. In order to formulate integrated policies and their effective implementation, it is imperative that there must be an adaptable and efficient public service that can forestall emerging challenges and ensure that potential strategies are informed by better understanding of future contexts.

For the public sector, the provision of customer-centric services is not an easy task. A number of significant challenges need to be overcome. Services must be delivered on a wide scale. **It has been documented in reports that Public services have to face major challenges in coming years; severe financial pressures and cuts; growing demand; raising public and user expectations; decentralisation and community empowerment; opportunities to deploy new technology; and global competition.** This will result in a changing relationship between citizens (services users) and the state (service providers). Delivering effective public services needs **multi-level transformation** such as changing the way **public sector organisations** think and act, how they view their roles, and how they share information between agencies, with businesses and with the people.

Five elements are integral to build this capacity

- a) **Strategy** (performance improvement and process reform, aided by technology).
- b) **Leadership** (securing the understanding and support of top level leadership).
- c) **Organisational design** (creating empowered institutions responsible for a pan-government focus on customer-centricity and connected government).
- d) **People/Capacity/Training** (focusing on the internal capacity-building that is needed to manage the transformation, managing talent and training public sector people to respond to changing customer needs).
- e) **Culture** (change management throughout the organisation is the key to a successful customer centric strategy).

To, summarize, public service in both the developed and developing world has significant contribution in providing public goods, such as defence, public order, property rights, macro-economic management, basic education, public health, disaster relief, protection of environment, and managing private sector activity.

Indian Civil Services

Civil service refers to the body of government officials who are employed in civil occupations that are neither political nor judicial. The concept of civil service was prevalent in India from ancient times. **The Mauryan administration employed civil servants in the name of adhyakshas and rajukas. The examination for civil servants in those days too was very stringent**

as quoted by Kautilya's Arthashastra. The expanse of the territory and the need to hold it intact made it imperative for the Mauryan administration to recruit civil servants based on merit. **The concept of civil service again came into prominence when British in search of creating a framework to hold the territories of India, created the much coveted 'Indian Civil Services' or the ICS.**

Many changes took place in Indian Civil services since Lord Cornwallis introduced it in India. **The Indian Civil services were created to foster the idea of unity in diversity. The civil service was expected to give continuity and change to the administration no matter the political scenario and turmoil affecting the country.** Indian civil service has also played the part of giving this continuous support to the nation. But what is appalling and needs a serious consideration is the element of 'change'. **It can be said that the civil service as a whole has maintained its status quo instead of sweeping changes in social and economic scenario. Some may argue that it is the resilience of the civil service, but it is an obvious fact out in the street that the Indian civil service was not able to deliver service based upon the expectations of the people or the founding fathers of the Constitution. Indian civil service needs reform to make it vibrant and deliver according to the expectations.**

The civil service is an integral part of administration and the structures of administration too determine the way the civil service functions. **Civil Service Reform is a deliberate change effort by government to improve its capacity to effectively and efficiently execute policies.** Reforms in the Civil Service have occurred ever since the Chinese invented bureaucracy – they are a continuous process with no general starting point, and equally no end. **The Indian bureaucracy, with its national character, has been a strong binding force to a Union of States.** The institution of civil service has rendered yeoman service to the overall socio-economic development of the country. **It has been at the forefront of development process right from the 'commanding heights regime' to the 'liberalization and de-regulation era'.** It has not only played a **pivotal role in designing and activating policies** but also **ensured basic service delivery** at the cutting edge of government-citizen interface.

Significance of Civil Services for Governance Systems

The importance of the Civil Service to governance stems from the following:

- **Service presence throughout the country and its strong binding character**
- **Administrative and managerial capacity of the services**
- **Effective policy-making and regulation**
- **Effective coordination between institutions of governance**
- **Leadership at different levels of administration.**
- **Service delivery at the cutting edge level**
- **Provide 'continuity and change' to the administration.**
- Outmoded rules and procedures that restrict the civil servant from performing effectively
- Systemic inconsistencies in promotion and empanelment
- Lack of adequate transparency and accountability procedures
- There is also no adequate safety for whistle blowers. However the Whistleblower's act has brought some changes to this
- Arbitrary and whimsical transfers – insecurity in tenures impedes institutionalization
- Political interference and administrative acquiescence
- A gradual erosion in values and ethics
- Patrimonialism- Patrimonialism is a form of governance in which all power flows directly from the administrator/leader (Patrimonialism= monopoly of power + discretion – accountability – transparency)

In recent times, there has been accelerated change globally brought about by technological advances, greater decentralization and social activism. The ramifications of these changes are being felt by government in the form of increasing expectations for better governance through effective service delivery, transparency, accountability and rule of law. The civil service, as the primary arm of government, must keep pace with the changing times in order to meet the aspirations of the people. The purpose of 'reform' is to reorient the Civil Services into a dynamic, efficient and accountable apparatus for public service delivery built on the ethos and values of integrity, impartiality and neutrality. The reform is to raise the quality of public services delivered to the citizens and enhance the capacity to carry out core government functions, thereby, leading to sustainable development.

The Problems of the Indian Bureaucracy

India's massive bureaucracy is maintained at huge cost by the country's taxpayer whose average income is among the lowest in the world. But the public perception about the members of the civil services, who function at cutting edge and higher coordinating and policy making levels, is that they are 'burdensome low-performers' heading a highly bloated bureaucracy, which is, often, perceived to be corrupt and inefficient in governing the country.

The ailments afflicting Indian civil services are:

- Lack of professionalism and poor capacity building
- Inefficient incentive systems that do not appreciate upright and outstanding civil servants but reward the corrupt and the incompetent

It is well recognized that Civil Service Reform is not only necessary but also inevitable. It has as much value in governance as in socio-economic development.

Civil Service Reforms and Good Governance

A well-functioning civil service helps to foster good policymaking, effective service delivery, accountability and responsibility in utilizing public resources which are the characteristics of good governance. "Good Governance" is being used as an all-inclusive framework not only for administrative and civil service reform, but as a link between Civil Service Reform and an all-embracing framework for making policy decisions effective within viable systems of accountability and citizen participation. Administrative reform focuses on rationalizing structures of government.

Governance reform tends to refer to the improvement of legal and policy frameworks to create proper decision making environment; participatory systems for elements of civil society to become actively involved in policy and programme formulation and their implementation; and an effective and transparent system and process for control and accountability in government activities. Civil Services reform cannot be seen in isolation and it has to be undertaken along with administrative reforms for effective results.

Although comprehensive reform that involves governance, the civil service, and civil society is ideal, it requires sustained commitment from political and admin-

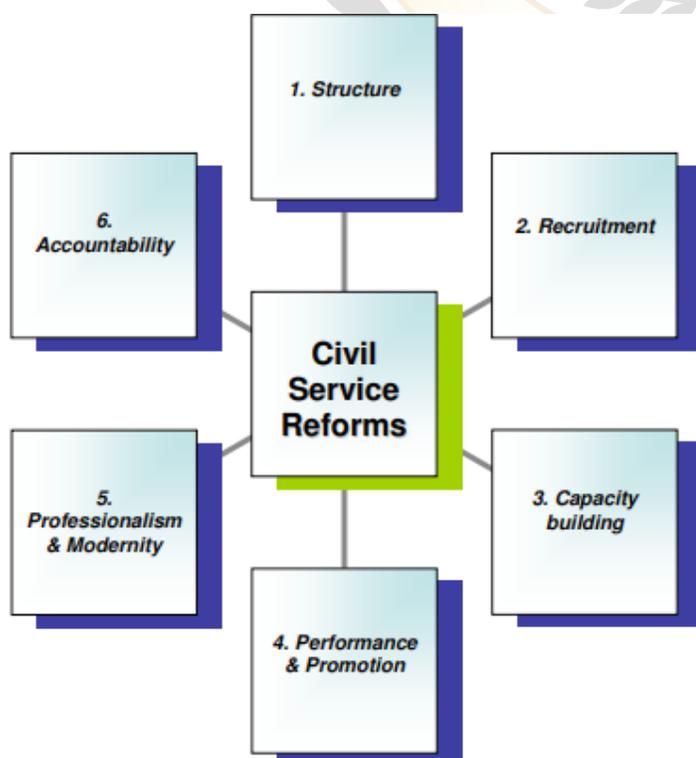
istrative leaders. It is also too complex to implement all at once. Few countries have undertaken comprehensive reforms and there are mixed results. The challenge lies in finding and linkages among the governance, civil service and civil society components, determining which require priority attention.

Civil Service Reforms and Socio-Economic Development

Civil Service Reform aims at strengthening administrative capacity to perform core government functions. These reforms raise the quality of services to the citizens that are essential to the promotion of sustainable economic and social development. Civil Services Reforms can contribute to macroeconomic stabilization by restoring budgetary stability, strengthening revenue collection, managing aid effectively, and improving development performance through proper implementation of investment frameworks and the management of public expenditure plans and programmes. The reform can contribute to the design and implementation of an equitable programme of social development. Enhancing the capacity of civil servants and improving their morale are critical to all these functions.

Components of Civil Services Reforms

Reforms must take into account the role of the Civil Service in the governance needs of the day and the expectations generated from it. The main components of Civil Service Reform should pertain to the following



1. Size and Structure of Government

Since independence, the government has increased the number of their ministries, departments and officials; in some cases even doubling them. In part, this growth has been stimulated by political considerations; it accommodated more and more intra-party groups by offering more ministerial positions. It also created posts for senior civil servants, along with other jobs at other levels that enlarged the patronage capabilities of a number of political and bureaucratic leaders.

However, this expansion has not been offset by a concomitant shedding of lower priority responsibilities or other attempts to eliminate redundancy. Apart from its budgetary aspect, this kind of expansion has stretched implementation capacity, and compounded coordination problems. Civil servants are spending more and more time in maintaining and/or clarifying their jurisdictional rights and boundaries, clearing their decisions through increasingly complex internal processes, and coordinating their activities through an increasing number of agencies.

In addition, it has created vested interest groups at all levels that have blocked efforts at reform and rationalization. Once a ministry, department, division and unit have been created, it is difficult to abolish, even though its function may well have been transferred or may no longer exist. Similarly, it is difficult to dismiss a government employee who has tenure guarantees.

Although these kinds of expansion have serious impacts on the performance of civil servants, they are difficult to compare systematically in either fiscal terms or in terms of quality of service. Although the cost of running the government as a percentage of Gross Domestic Product is roughly the same in many countries, taxpayers receive vastly different values in return.

Rightsizing civil services

This issue of civil service efficiency vis-à-vis size is critical. Although worldwide reduction in size of civil services is often under budgetary pressures and/or threats from donors and lenders, fundamental questions such as the number of ministries and internal cohesion and the integration of functions within each ministry are not looked into.

Although limited guidelines exist on the appropriate size and structure of a ministerial administration, it is possible to make some tentative recommendations. The number of ministries should be kept low. Even if political

considerations warrant the appointment of new ministers, these should be kept as ministers with a major portfolio within an existing ministry. The critical point is to retain the viability and integrity of a ministry by keeping all the closely related activities in the context of a government's priorities within one administrative structure. This enables ministry officials to carry out their responsibilities efficiently and to be held accountable for their performance. The administrative reforms must look into the role clarification, core governance issues so that optimum number of functionaries are available for effective service delivery without any spillage or leakage.

2. Recruitment

Civil service recruitment and promotion hinge on several factors such as patronage versus merit; the relative importance of ethnic, religious, regional and gender preferences. Even where countries adopt a merit-based system, various practices militate in favour of these biases. An explicit political dimension becomes pronounced not only at the highest levels of policy and programme formulation, but also at the lowest levels of regulatory and control activities.

Such political pressures are most pronounced in countries with diverse ethnic, religious, and cultural groups. These stresses on recruitment and promotion become severe where economic growth has not opened up job opportunities for the employable, either educated or unskilled and the government becomes the employer of last resort. However, where economies expand, public employment tends to shed bias restrictions and even to use private sector practices to bring qualified people into the civil service. The recruitment examination for Indian Civil Services is of course one of the rigorous examination across the world. The changing trends in the society as well as the economy makes it imperative to stress more on technological knowledge and in areas such as human rights. There is also very little stress on testing managerial skills in the examination.

The changes in our economy also create a need for specialists at various jobs. With rapidly advancing technology and high degrees of specialisation in every field, the country can no longer afford to put generalists in positions requiring specialised skills. The entry and exit of civil servants from public service to private sector and vice versa, will make the civil services jobs more attractive, thus making it a new economy job. This may create the risk of competition feeding into the civil services even more insidiously than it already has. But that will at least help enforce accountability and be beneficial in the long run.

In the decades since independence, Indian scholars and officials have produced an extensive and lively debate about ways in which civil service productivity can be increased and staff accountability and responsiveness enhanced. The thrust is as much about enhancing merit-based systems to raise the productivity and motivation of existing employees as on streamlining and rationalizing the structure of the civil service. There are differing opinions regarding the extent to which the civil service will benefit from the entry of outsiders. On the positive side, many maintain that lateral recruitment practices will help to bring fresh ideas and skills into government, and that it will also provide incentives for current civil servants to perform better or risk being passed over for the prime postings. Yet a number of factors have to be balanced against these advantages. The response of the organized sector to the deputation of its senior management and professionals to central and state governments is not clear.

Karnataka's Administrative Reforms Commission cautioned about the need to ensure that the skills which lateral entrants are expected to bring in were not otherwise available within the civil service, which is needed to avoid the risk that the selection process becomes ad hoc and ends up demoralizing existing personnel. The other touchy issues are the offer of market-related salaries and the process of selection. It is necessary to lay down an open and uniformly enforced process of eligibility criteria, selection and assessment to avoid charges of arbitrary and politically biased appointments. Governments also have to contend with union opposition to the offer of market remuneration to outside recruits for performing what the unions perceive as essentially departmental functions

A final dimension relates to the mobility of senior civil servants across public and private sectors to gain exposure by working for short or long periods with the private and voluntary sector. Beyond provisions for deputation to state enterprises and external aid agencies, there are provisions in the rules of AIS and a number of state services to permit the deputation of senior officials to work in private sector or NGOs. The challenges confronting expanded use of lateral recruitment are important, but not decisive. The issue must be addressed carefully in a phased and systematic manner, which will allow governments to take full advantage of the benefits in terms of improved skills and motivation while mitigating against some of the costs in terms of political favoritism and demoralization

3. Capacity Building & Human Resources Development

The training offered for civil service recruits is one of the most comprehensive training systems. The gaps where the training facilities are not in tune with the new trends have to be identified from time to time, so that training can be provided right at the induction level. The urgency for reforms in civil services is dictated as much by the imperatives of global developments as by the forces of new technology and communication which are shrinking distance and commerce, rendering conventional approaches and practices of administration obsolete and dysfunctional. Towards this end, a number of measures have to be taken for simplification of rules and procedures, delegation of enhanced powers, better enforcement and accountability and speedy redress of public grievances.

Reforming and Restructuring Human Resource Management

Building a motivated and capable civil service requires merit-based and nondiscriminatory recruitment, which rests on the absence of political patronage, transparent rules and procedures, open competition and selection by an independent agency. Subsequently, important elements in meritocracy and the motivation of employees are the opportunities for promotion, recognition and reward for performance, inter-sector mobility, placement in right jobs and the scope for skill upgrading and self-improvement.

It is equally important to address demotivating factors like frequent and arbitrary transfers, a poor work environment, decrepit housing and health facilities, as well as special factors affecting women in office and field jobs.

Strengthening Meritocracy in Promotion

In the final assessment, promotion—with its higher emoluments and enhanced status—remains a key element of motivation. There are differing approaches to the use of seniority and merit as criteria for promotion in countries following a similar hierarchical, “mandarin” structure of civil service management. Singapore consistently promotes people entirely according to merit and it is common to see younger officers supersede more senior, but less competent, officers. Malaysia follows a system of promotion and annual salary progression based upon a new performance appraisal and remuneration system.

A statutory body Civil Services Board (CSB) can be created to look into issues such as transfers and promotion of Civil servants. This will help in reducing political pres-

ures on the careers of civil servants. As there should be cohesion between the political masters and the civil servant for ensuring good governance, the civil service board can be used to delink civil service performance issues from politics. A clear demarcation line can be drawn between the two with the establishment of such boards.

4. Performance & Promotion

Reforming the Annual Confidential Report Process

Because of its impact on salary, career prospects and decisions on premature retirement, the framework for performance appraisal has important consequences for the motivation of employees. The Annual Confidential Report process is also meant to be used in training and human resource development, confirmation, and crossing efficiency bars.

The question of how employee performance should be systematically evaluated in a fair and reliable fashion, without generating unnecessary conflict, is a complicated one. Although supervisors have the right to provide continuous feedback and guidance to employees, Annual Confidential Reports (or ACRs) are the principal means of periodic formal appraisal. However, the non-transparent, subjective and unilateral character of ACRs in all states has reduced its utility for public agencies and alienated employees. In most states, the formats are uniform for all the employees regardless of the nature of functions. Discussions between the evaluator and employee being evaluated are infrequent and typically only take place if an adverse remark is being entered. Serious efforts to reform the system of performance assessment are urgently needed. In the near term, efforts can be made to revise and update the ACR format and incorporate more department-specific feedback. Improvements can also be made without much difficulty to improve the consultative nature of the ACR process and the feedback managers provide to staff. A Performance Appraisal Model will be of great use in reforming Annual Confidential reports.

Civil Services Performance Systems

But those who do not consume goods and increase then in just ways should be made permanent in their offices, being devoted to what is agreeable and permanent to the king.’ –Arthasastra The present promotion system in civil services is based on time-scale and is coupled by its security of tenure. These elements in our civil services are making our dynamic civil servants complacent and many of the promotions are based upon patronage system. The non-inclusion of incentives or disincentives for performance is a major drawback for civil services and

is making Indian civil Services largely unaccountable to the state.

Civil Servants are not only recruited through open competitive examination, but certain officials from the state governments are also being promoted. The whole idea of All India Civil Services gets lost when other state officers are promoted to civil services and work in the state itself. This is indeed a retrograde step. It should be made mandatory for the officers who are promoted to civil service to serve in other states to keep the idea of creating All India Civil Service working. These promotions should be merit based and the respective authorities have to benchmark the best practices and evaluate the performance of the civil servants both qualitatively and quantitatively with a variety of parameters. The performance appraisal of civil servants has to be according to these benchmarks and the necessary placement reward and punishments can be taken up by the authorities. The recent reform in Hong Kong Civil Services wherein it was mandated that the civil servants would be recruited on a permanent basis but their continuation in the job would be subject to verifying the performance indicators from time to time. This model can be replicated in India also.

5. Professionalism & Modernity

The founding fathers of the Constitution wisely provided, by making provisions in Part XIV of the Constitution, for apolitical and independent civil services, with requisite protection for service matters. These provisions pertain not just to the union but also the states. One of the provisions of the Constitution (Article 312) which was hotly debated and faced considerable opposition, particularly from the provincial governments, pertained to the creation of All India Services (AIS) with recruitment based on all India competitive examination and dual control by the centre and the states. Such a constitutional protection was meant to enable the AIS to operate independently, freely, objectively and fearlessly. Unfortunately, political interference and administrative acquiescence has severely dented the professional fibre of the service.

The neutrality of civil servants, especially at the highest levels of policy-making and programme formulation, is important to maintain, particularly in democracies where leaders change periodically. Bureaucratic continuity is a necessity, even though it may become a mechanism for creating a privileged, self-oriented group within the state. It is worth noting that the principle of bureaucratic neutrality as an instrument for the preservation of democracy has never been rejected outright.

Although legal, sometimes constitutional measures can provide for such neutrality, there are also structural arrangements that facilitate the separation between politics and administration both substantively and procedurally. In parliamentary democracies, the secretary of the ministry is a permanent civil servant who heads the ministry's administration temporarily and acts as the chief advisor to the minister. He or she is thereby involved in discussing and often influencing political matters that relate to the ministry. Usually, a thin line is drawn between the secretary's advisory capacity and his or her active involvement in promoting the interests of the dominant party in policy formulation and implementation. However, neutrality does not mean that high-ranking civil servants cannot or should not be involved in articulating public policy. Indeed, senior officials are professionally and morally obliged to provide their political leaders with policy alternatives based on sound arguments, relevant precedents, and sustainability in the context of changing political environments. It is essential that they do so, however, from a non-partisan position.

Civil Servants have to bring a new orientation to rules by which the everyday conduct of public affairs has to be regulated. Civil servants have much to contribute to the shaping and not just implementation of the policy.

Professional Skills

Professional skills of officers may relate to three functional categories – implementation, program/project preparation and policy formulation – as well as to specific themes (domain areas or specializations). Concerted effort needs to be directed towards encouraging civil servants to cultivate professional skills through direct work experience or through research. Training and study course participated in must be reflected in the ACR as well as peer reviewed published research.

Modernity: Reforms and e-governance

The concept of e-governance is bound to play a major role in the reform process of civil services. With the increase in literacy rates and accessibility to technology, the civil servants will be more accountable and transparent in the conduct of their duties. Any present day civil service reform is incomplete if it neglects the role of information and communication technology.

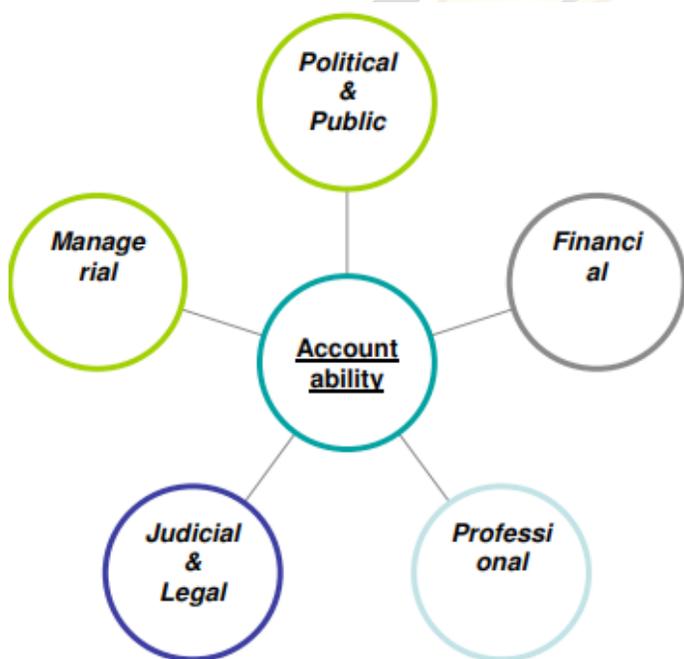
As we have been emphasizing the need to reform keeping in view of the changing circumstances, there is a need to reform civil services and make civil servants pro-active in the developmental process. The civil servants should not view reforms with cynicism, but should actively take

part in the reform process. The sense of reforms should come from within the civil servants to create pro-active, vibrant and accountable civil service.

6. Civil Service Accountability

The Civil Servant has always played a pivotal role in ensuring continuity and change in administration. The civil servants are dictated by the rules and procedures. It is the 'rule of law' rather than 'rule of man' that is blamed for widespread abuse of power and corruption among government officials. The explosion of media has also opened civil servants to external scrutiny.

The depiction below shows the accountability of a civil servant at various levels.



Transparency is a necessary part of accountability, though they are two different concepts. To hold a civil servant accountable, it is necessary to find out the information about the civil servants' decisions and actions.

This leads us to the urgent need for legislation such as the Right to Information and protection for the citizens to blow the whistle.

For greater accountability, the following are some of the measures suggested:

- Strengthening and streamlining reporting mechanisms
- Streamlining and fast-tracking departmental enquiries
- Linking performance with incentives
- Overhaul of employee grievance procedures
- Action on audit findings

- Implementation of Citizens Charters' for monitoring service delivery
- Right to Information Act and its enforcement
- Code of conduct for civil servants

Change in Mindset

A paradigm shift in the nature of civil service/servants is required to cope up with the emerging demands and the changes in society and economy. The following table summarizes the nature of changes required in this esteemed service for better performance.

What often Exists

- **Commitment:** to the civil service
- **Core values:** Integrity and neutrality
- **Precedent:** Follower
- **Work:** Exclusively in policy and ministerial support roles
- **Aims:** To lead the development of a major policy area
- **Experience:** widens experience by brief tenures in public sector
- **Training:** Fast stream
- **Orientation:** Status Quo
- **Style:** Monopolistic

What is needed

- **Commitment:** to public service
- **Core values:** Integrity, Impartiality, non-partisanship, compassion and quality service delivery
- **Precedent:** Creator
- **Work:** varies roles between operations, policy, specialist skills and ministerial support
- **Aims:** To deliver the outcomes of a major policy area
- **Experience:** widens experience by taking a private sector role.
- **Training:** Career-long development and learning
- **Orientation:** Change
- **Style:** Competitive

Challenges to Civil Services Reforms

At last, it is important to recognize that the reform mandate will throw up greater challenges. The following would be required to counter the challenges.

- Political support and will
- Management capacity to implement reforms
- Nurturing support from civil servants themselves
- Safety nets' must be in place for people adversely affected
- Reforms must reflect the political and institutional environment of a country.
- Developing communication between all the stakeholders.

Probity

Probity and its synonyms honesty, honor, and integrity all mean uprightness of character or action, with some slight differences in emphasis. Honesty implies a refusal to lie or deceive in any way. Honor suggests an active or anxious regard for the standards of one's profession, calling, or position. Integrity implies strong and sustained adherence to a value system or incorruptibility to a degree that one is incapable of being false to a trust, responsibility, or pledge. **Probity, which descends from Latin *probus*, meaning "honest," implies tried and proven honesty or integrity.** Probity is the evidence of ethical behaviour in a particular process. **The term probity means integrity, uprightness and honesty**

For Government employees and agencies, maintaining probity involves more than simply avoiding corrupt or dishonest conduct. It involves applying public sector values such as impartiality, accountability and transparency. Probity is also regarded as being incorruptible. However, probity goes further than the avoidance of being dishonest because it is determined by intangibles like personal and societal values. **It is also regarded as strict adherence to a code of ethics based on undeviating honesty, especially in commercial (monetary) matters and beyond legal requirements.**

Ensuring probity in public services is part of every public official's duty to adopt processes, practices and behavior that enhance and promote public service values

Significance of Probity in Governance

Probity in Governance elucidates that apart from the traditional civil service values of efficiency, integrity, accountability and patriotism, it is necessary for **civil servants to inculcate and adopt ethical and moral values including probity in public life, respect for human rights and compassion for the downtrodden and commitment to their welfare.**

Probity in governance is an essential and vital requirement for an efficient and effective system of governance and for socio-economic development. 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.**

The main objectives of probity of governance are:

- 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.

Principles of Probity

There are several generally accepted probity principles that serve to maintain the integrity of a process. These are:

- **Accountability:** It is the obligation to be able to explain or account for the way duties have been performed. Government should have appropriate mechanisms in place to show that they are accountable for their practices and decisions.
- **Transparency:** It is important that the process is transparent to the maximum extent possible so that all stakeholders can have confidence in the outcomes. Transparent, open processes also minimise the opportunity for, and the risk of, fraud and corruption.
- **Confidentiality:** As a condition of employment, all public servants are under a general obligation of confidentiality to their employer. All Government advisors, members and any other third party that is privy to commercially sensitive information must provide a formal undertaking to Government that they will keep this information confidential.

- **Management of Conflicts of Interest:** A conflict of interest arises where an individual associated with the process is, through their particular associations or circumstances, influenced, or perceived to be influenced, to obtain an unfair advantage for him or herself or another party. Conflicts of interest are often unavoidable. However, provided they are identified early and dealt with effectively, they need not prejudice the process. It is important to ensure that individuals associated with the process are aware of how a conflict of interest arises and their responsibilities to report conflicts ensure conflicts are adequately addressed, and ensure the manner in which they have been addressed is adequately documented. Policies to deal with potential conflicts of interest should be established at the outset, rather than attempting to manage such issues on an ad-hoc basis as they arise.

Probity and good governance

Smooth civil service assists to foster good policy making, effective service delivery, accountability and responsibility in utilizing public resources which are key features of good governance.



Good Governance is being used as an all-inclusive framework not only for administrative and civil service improvement, but as a link between Civil Service Reform and an all-embracing framework for making policy decisions effective within viable systems of accountability and citizen participation.

Governance reform is basically the improvement of legal and policy frameworks to develop good decision making environment; participatory systems for elements of civil society to become actively involved in policy and programme formulation and their implementation; and an effective and transparent system and process for control and accountability in government activities.

Although comprehensive reform that involves governance, the civil service, and civil society is essential, it needs sustained commitment from political and administrative leaders. Some countries have undertaken widespread reforms and got mixed results. Major challenge is to find and link among the governance, civil service and civil society components.

Probity is vital feature of governance which facilitates government to act ethically and perform its duty. It has been observed that due to different irregularities such as corruption; insensitivity; red tapism, irresponsibility; disregard to office and law, the governance system losing its credential people. Therefore it is imperative for government to follow rules and adopt policies of impartiality, transparency to gain confidence of populace. Hence probity and good governance is intricately linked to each other.

Measures for ensuring probity in governance:

1. **Moral education:** Moral education is a must to ensure probity in governance. To make an individual high on integrity, it is necessary to provide him with ethical training that will inspire him to improve governance. The moral education will surely ensure that this takes place. For example, training on the importance of avoiding bribes.
2. **Accountability:** Accountability reduces chances of malpractices in governance. When an individual is expected to give answers to higher authorities, he/she avoids performing acts that will reduce his/her position. This will translate into good governance. For example, regular social audits ensure accountability and thus lead to probity.
3. **Information sharing and transparency in Governance:** Sharing information and transparency are indispensable pillars of good governance that compel the state and civil society to focus on results, seek clear objectives, develop effective strategies, and monitor and report on performance.
4. **Access to information:** Many laws were enumerated to bring probity in governance for sharing infor-

mation to the public by putting information in the public domain and which includes the following:

- Right to information Act.
 - Ombudsman Office in the local/state level.
 - Accountability bill for disclosure of Income and Assets.
 - Records Management laws.
5. **Grievance redressal:** Easy access of government officials to the public is important for grievance redressal. It can be ensured through:
- Availability of Contact numbers of senior servants to Public
 - Details in Departmental websites
 - Facilitation counters for citizens
 - Assessment and Monitoring
6. **Code of conduct:** Probity is maintained by formulating and employing model code of conduct for ministers, bureaucracy, judiciary, and civil society groups.
7. **Institutional reforms:** Introducing public delivery of service agreements by executive agencies for ensuring accountability, objectivity and transparency. Allowing stakeholders like citizen committees to participate in various decision making processes and encouraging and facilitating public participation through the following:
- Public Hearings.
 - Citizen Advisory Boards.
 - Government Contract Committees.
 - Public Watchdog Groups.
 - Independent Anti-Corruption Agencies.
 - Capacity building of citizens and civil society groups.

Probity is a crucial feature of governance which endows government to act ethically and perform its duty as per the norms only. It is significant for the government to follow the rules and regulations as well as adopt policies of impartiality, to gain confidence from the public. When government becomes its system streamline as well as transparent, then the public and government employees concerned to it follow the same criterion. Hence, no corruption, fraud, and irresponsibility will happen.

Philosophical Basis of Governance and Probity

Morality and government are vital element for a healthy nation. The relationships between the people who establish a nation rest on moral grounds. This foundation is a crucial part of their association and its substance determines the character of the nation and of the government under which the people choose to live. Like our inherent and inalienable rights, true morality derives from the nature of man and his life on this planet. It is not possible to consider a political philosophy intelligently and adequately without also considering its moral implications.

The ethical concerns of governance have been emphasized broadly in Indian scriptures and other treatises such as Ramayana, Mahabharata, Bhagvad Gita, Buddha Charita, Arthashastra, Panchatantra, Manusmriti, Kural, Shukra Niti, Kadambari, Raja Tarangani, and Hitopadesh. Chinese philosophers such as Lao Tse, Confucius and Mencius also contributed the theoretical dogmas on ethical governance.

In the Western philosophy, there are three well-known schools of ethics. Aristotle holds that virtues (such as justice, charity and generosity) are dispositions to act in ways that benefit the possessor of these virtues and the society of which he is a part. Aristotle conceives of ethical theory as a field dissimilar from the theoretical sciences. Its approach must match its subject matter good action and must respect the fact that in this field many generalizations hold only for the most part. **Aristotle was supporter of theoretical framework of Socrates and Plato in taking the virtues to be central to a well-lived life. Like Plato, he respects the ethical virtues (justice, courage, temperance) as complex rational, emotional and social skills. But he rebuffed Plato's idea that a training in the sciences and metaphysics is a necessary prerequisite for a full understanding of our good. Plato upholds a virtue-based eudaimonistic conception of ethics. It can be said that human well-being (eudaimonia) is the highest aim of moral thought and conduct, and the virtues (arete: 'excellence') are the requisite skills and dispositions needed to attain it.**

Plato's fundamental assertion, in the Republic, is that justice is so great a good that anyone who completely embraces it is thereby better off, even in the face of the distress and pain of severe misfortune. The basic moral equation, clearly declared by Plato, seeks to establish that: 'Justice discounted by pain and dishonour is more advantageous than injustice supplemented by the re-

wards of justice'. However, Plato failed, throughout the discussion, to clearly validate this unusual and complex formula. But he evidently believed that people do act against their own immediate interests for the sake of justice, and for the sake of the good of the civic community as a whole. **He did not think that the only motive for acting justly is to increase one's own happiness. Plato distinguishes that a tension between duty and self-interest is certainly conceivable; that duty and self-interest are two independent concepts neither of which can be reduced to the other.** To resolve this tension we must know what is best, without qualifications. The Theory of the Forms occupies a crucial and central place in the justification of what may seem to be an extraordinary claim.

The Forms are those eternal, changeless, imperceptible and bodiless objects of the understanding, which are central to the education of the philosopher of the Republic, and which engender in him a passionate reverence for such abstract ideas as Beauty, Goodness, Justice, Wisdom. If Plato's idea of happiness is elusive and his support for a morality of happiness seems somewhat subdued, there are several reasons. First, his conception of happiness differs in significant ways from ordinary views. In his early works his approach is largely negative: **Socratic questioning seems designed to undermine the traditional values rather than to develop a positive account of his own. Second, the positive accounts contained in his later works, especially that of the Republic, treat happiness as a state of perfection that is hard to comprehend because it is based on metaphysical presuppositions that seem both hazy and out of the realm of ordinary understanding.** In other discourses, he confines himself to intimations of different aspects of what is good in and for the soul, intimations that are hard to fit together in a coherent picture. Aristotle talked about happiness as a self-sufficient state of the active individual. Third, in crucial texts Plato's moral ideals appear both austere and self-abnegating: the soul is to remain aloof from the pleasures of the body; communal life demands the subordination of individual wishes and aims.

Secondly, Immanuel Kant makes the concept of duty central to morality: human beings are bound, from knowledge of their duty as rational beings, to obey the categorical imperative to respect other rational beings with whom they interact. Kant supposed that a rigorous application of the same methods of reasoning would yield an equal success in dealing with the problems of moral philosophy. Kant raised concerns about the fundamental source of morality. He stated that the source of morality

is our ability to rationally make decisions and our possession of a "will". Kant believes that an act has no moral worth if it is not performed for the sake of morality alone.

Basically, Immanuel Kant argued that moral requirements are based on a standard of rationality he dubbed the "Categorical Imperative". Immorality thus involves a violation of the Categorical Imperative and is thereby irrational. Other philosophers, such as Locke and Hobbes, had also argued that moral requirements are based on standards of rationality. However, these standards were either desire-based instrumental principles of rationality or based on sui generis rational intuitions. Hobbes stated that in the state of nature rational fear drives individuals to work with one another. Locke elaborated in his philosophical dogmas that individuals in the state of nature are indifferent to one another (but decide that it would be easier on them to work together). For Hobbes civil society makes moral distinctions, whereas for Locke moral distinctions characterize social relations independent of civil relations: they are natural, God-given. Acting morally means acting in accord with nature, motivated by the threat of divine punishment/reward. According to Locke, all human beings deserve to be treated equally and can justly be bound by civil laws (or government) only if they consent to such obligations. Locke proposes that the mind puts ideas together in three different ways. The first is to combine simple ideas to form complex ones. The second is to bring two or more ideas together and form a view of them in relation to each other. The third is to generate general ideas by abstracting from specific examples. Thus people ignore the specific circumstances in which we gain a particular piece of knowledge, which would limit its applicability, and generalise so that we have some rule or idea that applies in circumstances beyond our direct experience.

Kant approved with many of his forerunners that an analysis of practical reason will reveal only the requirement that rational agents must conform to instrumental principles. However he maintained that conformity to the Categorical Imperative and hence to moral requirements themselves, can nevertheless be shown to be essential to rational agency. This argument was based on his striking principle that a rational will must be regarded as autonomous, or free in the sense of being the author of the law that binds it. The fundamental principle of morality, Categorical Imperative is none other than the law of an autonomous will. Thus, Kant's moral philosophy is a conception of reason whose reach in practical affairs goes well beyond that of a Human 'slave' to the passions. Furthermore, it is the presence of this self-gov-

erning reason in each person that Kant thought offered decisive grounds for viewing each as possessed of equal worth and deserving of equal respect.

The third is the utilitarian standpoint that proclaims that the guiding principle of conduct should be the greatest happiness (or benefit) of the greatest number. Utilitarianism is a theory in normative ethics maintained that the moral action is the one that maximizes utility. Utility is defined in various ways, including as pleasure, economic well-being and the lack of suffering. Utilitarianism is a form of consequentialism, which implies that the “end justifies the means”. This opinion can be distinguished with seeing intentions, virtues or the compliance with rules as ethically important. Classical utilitarianism’s two most influential contributors are Jeremy Bentham and John Stuart Mill.

Bentham stated that “it is the greatest happiness of the greatest number that is the measure of right and wrong. The ethical theory of John Stuart Mill is most broadly expressed in his classical text *Utilitarianism*. Its objective is to justify the utilitarian principle as the foundation of morals. This belief represents actions are right in proportion as they tend to promote overall human happiness. Mill focuses on consequences of actions and not on rights nor ethical sentiments. Mill described “utilitarianism” as the faith that considers a particular “theory of life” as the “foundation of morals”. His opinion of theory of life was monistic. There is one thing that is essentially desirable such as pleasure. In contrast to a form of hedonism that conceives pleasure as a homogeneous matter, Mill was convinced that some types of pleasure are more valuable than others in virtue of their intrinsic qualities. His position is called “qualitative hedonism”. Many philosophers embrace that qualitative hedonism is no consistent position. Hedonism proclaims that pleasure is the only intrinsic value. Under this assumption, the critics debated, there can be no evaluative basis for the distinction between higher and lower pleasures.

Earlier period of Utilitarianism, Mill hypothesised that moral judgments presume rules. In contrast to Kant who based his ethical theory on self-imposed rules, so-called maxims, Mill thought that morality builds on social rules. Mill spoke about “morally right” or “morally wrong”. He maintains that we name a type of action morally wrong if we think that it should be sanctioned either through formal punishment, public disapproval (external sanctions) or through a bad conscience (internal sanctions). This is the critical difference between “morality and simple expediency”.

Wrong or inexpedient actions are those that we cannot recommend to a person, like harming oneself. But in contrast to immoral actions, inexpedient actions are not worthy of being sanctioned. Moral rules are also critical for Mill because he takes human action in essence as to be guided by dispositions. A virtuous person has the disposition to follow moral rules. In Utilitarianism approach, Mill presented two different formulations of the utilitarian standard. The first points in an act utilitarian, the second in a rule utilitarian direction. Since act and rule utilitarianism are incompatible claims about what makes actions morally right, the formulations open up the fundamental question concerning what style of utilitarianism Mill wants to advocate and whether his moral theory forms a consistent whole.

The Western thought is associated with ethical guidelines to rulers, whether in a ruler or a democracy. These apprehensions are found in the theories of famous thinkers such as Plato, Aristotle, Thomas Jefferson, Alexander Hamilton, Thomas Penn, John Stuart Mill, Edmund Burke, and others. According to Alexander Hamilton, moral realism takes human nature as it is found in the accumulated experience of ages. It denies human and social perceptibility while acknowledging the reality of ethical conscience and will.

It is represented in philosophical studies that Moral traditionalism is a view regarding the moral justification of social rules in political communities. It holds, roughly, that traditions not reason, nor approved conventions legitimize these rules. Its main descriptive is Edmund Burke. Burke argued that that civil peace and freedom from arbitrary coercion are goods which can be preserved only if the social and legal norms inherited from former generations constrain the present generations’ public choices. In his writings, Burke claims that the English Revolution of 1688 took place because people’s normative expectations were rooted in traditions and that the destitution of the king was an act of enforcing the shared norms regarding the legitimate exercise of political power. Burke emphasized that the French political leaders’ ethical and political rationalism must lead to incessant acts of arbitrary coercion and destroys civil peace, because freedom and civil peace cannot coexist with the neglect of tradition.

To **Jefferson**, there were not two moralities: one governing personal and the other governing national affairs. Personal morality has its counterpart in the national arena, and the principles that govern the former are just as applicable to the latter. According to him,

“The moral duties which exist between individual and individual in a state of nature accompany them into a state of society, and the aggregate of the duties exist as did between the individuals composing them while in an unassociated state, their Maker not having released them from those duties on their forming themselves into a nation.”

John Locke based his ethical theories upon belief in the natural goodness of humanity. The inevitable pursuit of happiness and pleasure, when conducted rationally, leads to cooperation, and in the long run private happiness and the general welfare coincide. Immediate pleasures must give way to a prudent regard for ultimate good, including reward in the afterlife. He argued for broad religious freedom in three separate essays on toleration but excepted atheism and Roman Catholicism, which he felt should be legislated against as inimical to religion and the state.

Other philosopher who developed ethical theory of governance was David Hume. Hume upholds that moral distinctions are derived from feelings of pleasure and pain of a special sort, and not as held by many Western philosophers since Socrates from reason. Working from the empiricist principle that the mind is essentially passive, Hume claims that reason by itself can never prevent or produce any action or affection. But since morals concerns actions and affections, it cannot be based on reason. Additionally, reason can influence our conduct in only two ways. First, reason can inform us of the existence of something which is the proper object of a passion, and thereby excite it. Second, reason can deliberate about means to an end that we already desire. Hume maintains for a distinction between facts and values. According to Hume, one cannot infer conclusions about what ought or ought not to be the case based on premises of what is or is not.

To summarise, there are numerous philosophers that grounded their moral approaches. In western philosophical thoughts, utilitarian views are defined by many philosophers and postulated dominant theories of morality that signified good governance. Aristotle developed moral values based on social skills. Other eminent ethical philosophers who contributed in developing moral guidelines are Thomas Jefferson, Alexander Hamilton, Thomas Penn, John Stuart Mill, and Edmund Burke.

Necessity of principles and policies of public ethics in Parliament

Over the years, the face of the Indian Parliament has undergone a dramatic transformation reflecting the socio-political development of the nation as a whole. This has been so particularly in the case of the Lok Sabha, the popularly elected House, which, in effect, connotes the changing profile of the Indian electorate too. To begin with, one finds that the number of political parties represented in the Lok Sabha has been on the rise, especially in recent years. This corresponds with the proliferation of political parties and the fragmentation of mainline political parties and the emergence of regional parties. Mergers and splits of political parties have become a recurring phenomenon in India's electoral politics.

With successive Lok Sabhas, the educational background of its members has also changed considerably. Though our Constitution does not stipulate any formal educational qualification for members of Parliament, it cannot be denied that educational accomplishments have a bearing on the behavior of a person while conducting himself or herself in a public forum and the general trend in this regard shows that electors have favoured those who have had basic education and who could thereby articulate their problems and grievances more effectively in the supreme legislative organ of the land. The occupational background of the members has also been changing with the Lok Sabhas over the decades. In the First Lok Sabha, members with legal background outnumbered those belonging to other professions. Now in the Lok Sabha, they were relegated to the third position behind political and social workers and agriculturists. This indeed is ample proof of a changing approach and attitude of the electorate in choosing their representatives. Their preference perhaps is indicative of the fact that they intend to send to Parliament representatives who are grassroot workers, fully conversant with their problems, and who could place them before the national Government for early and expeditious redressal.

To play a meaningful role as members, it is necessary for them to have a proper perspective of the place of Parliament in our polity. As is said, Parliament is not a talking shop. It is visualized by the Constitution as an important instrument of socio-economic change. As such, it has to closely watch the functioning of the Government and influence its performance for social good.

How do members articulate their views? In our Parliament, there are a number of devices available for members to raise matters of concern and they should make

full use of it. While doing so, they should bear in mind that Parliament is not the forum to raise issues that are basically the concerns of State Governments for which the Legislative Assemblies are the proper fora. The issues raised in Parliament should have a wider significance to the society and the nation at large. Members must make full use of all the available opportunities and participate actively in the legislative, financial and other business of the House, bringing to bear their special knowledge, experience and insights in the shaping of public policy and contributing their share in the oversight and scrutiny of performance of the Government and redressal of public grievances.

The image of the Parliament and its credibility as a representative institution largely depend on the role and functions of its members. The functioning of Parliament is a serious business and it ought to be conducted with a degree of dignity, decorum, and sincerity. Maintenance of order in the House is the fundamental duty of the Speaker. He is not only the moderator and facilitator of the sittings of the House, but is also the authority invested with the responsibility to help frame sound rules, practices, customs and conventions and thereby to evolve a healthy parliamentary culture. The Speaker derives his disciplinary powers from the Rules. He may, in his discretion, intervene when a member makes an unwarranted or defamatory remark by asking him to withdraw that remark or order the expunction of any defamatory or indecent words used in the debate. The Speaker may also order a member guilty of disorderly conduct to withdraw from the House, and name a member for suspension if the member disregards the authority of the Chair and persists in obstructing the proceedings of the House in case of grave disorder.

The proceedings, at times, become noisy leading to pandemonium and turmoil. Members should refrain from the tendency to rush to the well of the House, raise slogans and create unruly scenes. As mentioned earlier, a lot of precious time of the House is wasted this way. It is equally important that members must imbibe the etiquette of Parliament. In the heat of the moment when passions run high, members sometimes tend to use unparliamentarily language.

There is, of course, a practice to expunge such remarks from records but it has to be borne in mind that with live telecasting, such expunction becomes in fructuous as people would have already heard it. There are several cases of this, some of them are:

Case-1

On 18 February 1963, five members of Parliament created disorder at the time of the President's Address to members of both the Houses of Parliament assembled together. The next day, a Committee was appointed by the Speaker to report to the House of the disorderly conduct of the members. The Committee, in their report, recommended that for any disorderly conduct by a member during the President's Address, he may be suspended from the service of the House for a period which may extend upto one year. Replying to the discussion on the report of the Committee, Pandit Nehru remarked:

“The sole question before us is—it is a highly important one and vital one—what rules and conventions we should establish for carrying on the work of this Parliament with dignity and effectiveness... Parliament is supposed not only to act correctly but lay down certain principles and conventions of decorous behaviour.”

Case-2

In 1971, when the President started reading his Address to both the Houses of Parliament, a member of Lok Sabha interrupted him and created disorder. The Committee constituted to look into the matter held the member's conduct improper and inconsistent with the dignity of the occasion. The Committee formulated certain guidelines for the conduct of members and maintenance of order, dignity and decorum on the occasion of the President's Address. Over the years, on the basis of well-established parliamentary practices, certain rules of conduct, norms of behavior and conventions have developed for legislators in their functioning in the House, in Parliamentary Committees, during President's Address, their functioning outside the House, etc.

The imperative for maintaining discipline and decorum in the Parliament can hardly be overemphasized. Incidents of pandemonium and unruly scenes have been a matter of concern to all those connected with the working of parliamentary institutions—be it the Presiding Officers, the Leader of the House, the Leader of Opposition, Leaders of Political Parties, Minister of Parliamentary Affairs, Whips or members.

In 1992, a two-day All-India Conference of Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs, Whips, Parliamentarians, Legislators and Senior Officers of Parliament and State Legislatures was held in New Delhi to dwell on many related aspects of the func-

tioning of parliamentary institutions such as disorders and disturbances during the President's and Governor's Address, suspension of Question Hour, the so-called 'Zero-Hour', number of sittings, training of legislators, code of conduct for members, etc. The basic and unequivocal concern of the participants was effective use of the time of the House, orderly conduct of the business of the House and ways and means to make the Executive more responsive to the grievances of the people. The Conference unanimously adopted a Resolution reflecting the consensus. The resolution inter-alia stressed that with a view to preserving the democratic and secular fabric and strengthening the parliamentary institutions, it was necessary for the members to maintain decorum and dignity at the time of the President's/Governor's Address; to utilise fully and effectively the Question time as a well-established device to ensure accountability of the Executive; and to observe the Rules of Procedure in order to maintain order and decorum in the House. The Resolution also emphasised that the political parties should evolve a code of conduct for their legislators and ensure its observance by them.

The Special Session of Parliament to mark the Golden Jubilee of India's Independence, held from 26 August to 1 September 1997, unanimously adopted a Resolution which inter alia emphasizes:

That the prestige of the Parliament be preserved and enhanced, also by conscious and dignified conformity to the entire regime of Rules of Procedure and Conduct of Business of the Houses and Directions of the Presiding Officers relating to orderly conduct of business, more especially by,

- maintaining the inviolability of the Question Hour,
- refraining from transgressing into the official areas of the House, or from any shouting of slogans, and
- invariably desisting from any efforts at interruption or interferences with the Address of the President of the Republic.

Maintenance of discipline and decorum, therefore, is a pre-requisite for the smooth functioning of our parliamentary democracy. It is in this context that the concept of ethics and standards for parliamentarians assumes relevance and significance. In March 1997, the Rajya Sabha constituted an Ethics Committee to oversee the moral and ethical conduct of the members and to examine the cases referred to it. During the life of the Eleventh Lok Sabha, a Study Group of the Committee of Privileges undertook a study of parliamentary privileg-

es, ethics and related matters. The Report of the Study Group on Ethics, Standards in Public Life, Privileges, Facilities to Members and Other Related Matters, as adopted by the Committee of Privileges and presented to the Twelfth Lok Sabha, recommended broad parameters to be incorporated in the Rules of Procedure of Lok Sabha for dealing with complaints relating to the unbecoming conduct of a member or his unethical behaviour. As an elected representative of the people, a member's status is an exalted one. While privileges are given to members to enable them to perform their parliamentary duties unfettered, these privileges also entail certain obligations. A dignified conduct is one of the primary obligations of a Member of Parliament.

All the political parties should find ways to improve the quality of member's participation in parliamentary proceedings and to ensure that members conduct themselves in a dignified and decorous manner. As elsewhere, training is necessary for them to understand the subtleties and nuances of parliamentary democracy. There is an urgent need for imparting political education to new members, either by the political parties themselves or through some other mechanism as may be evolved on the basis of consensus. As far as procedural training is concerned, the Bureau of Parliamentary Studies and Training of the Lok Sabha Secretariat organises Orientation Programmes in Parliamentary Practices and Procedures for new members.

In a parliamentary system of government, parliamentarians play a vital role. The image of democracy as a form of Government depends upon the Parliament and the image of Parliament, in turn, depends upon the image of its parliamentarians. Infact, the future of the democratic set-up itself depends upon the way the parliamentarians discharge their duties and responsibilities. Once elected, they are representatives not only of their constituency but of the State and the nation as a whole. Hence, their behaviour and actions inside the House as well as outside have a great bearing and impact on the national situation.

Why Principles and policies of public ethics in Parliament are crucial?

- Indian Parliament reflects socio-economic development of our nation as a whole.
- Parliamentarian must have a proper perspective to play a meaningful role for socio-economic development of our country. The issues raised in Parliament should have a wider significance to the society and

the nation at large.

- To maintain its credibility.
- The proceedings, at times, become noisy leading to pandemonium and turmoil. A lot of precious time of the House is wasted this way. It is equally important that members must imbibe the etiquette of Parliament. With live telecasting, such expunction becomes in fructuous as people would have already heard it.
- Effective use of the time of the House, orderly conduct of the business of the House and ways and means to make the Executive more responsive to the grievances of the people.
- Preserving the democratic and secular fabric and strengthening the parliamentary institutions.
- To utilise fully and effectively the Question time as a well-established device to ensure accountability of the Executive;
- To observe the Rules of Procedure in order to maintain order and decorum in the House.
- Refraining from transgressing into the official areas of the House, or from any shouting of slogans, invariably desisting from any efforts at interruption or interferences with the Address of the President of the Republic.
- For the smooth functioning of our parliamentary democracy.

Decline in standards of behavior of the Members of Parliament

There can be no single remedy for it. The ethical questions cannot be dealt with entirely by legislation. These are mainly matters of one's conscience. Only prescribing a Code of Conduct the problem cannot be solved. However, the Code of Conduct, like many of them in different countries, could help in evolving certain standard norms of behavior which everyone intending to enter a legislature is expected to follow.

Apart from prescribing a Code of Conduct for members, people should also be educated not to elect persons with "dubious distinction". Political parties and their leaders also can play a crucial role in ensuring probity in public life by denying tickets to persons who are criminals, corrupt or have anti-social proclivities.

There is an emerging trend of cross-voting in the elections for Rajya Sabha and the Legislative Councils in States. It is often alleged that large sums of money and other considerations encourage the electorate for these two bodies to vote in a particular manner leading sometimes to the defeat of the official candidates belonging to their own political party. In order not to allow big money and other considerations to play mischief with the electoral process, it is necessary that instead of secret ballot, the question of holding the elections to Rajya Sabha and the Legislative Councils in States by open ballot may be examined.

In order to make the electoral process transparent it is necessary for the political parties and the Government to bring about the much desired though delayed electoral reforms for cleansing public life.

This is observed that the general apathy amongst people about their elected representatives. Behavior and activities of some of the legislators inside and outside the House have eroded the credibility of legislative institutions to a dangerous level. The Committee emphasizes the urgent need for restoring credibility of people's representatives and dignity of the people's institutions.

There is a serious concern over the increasing trend of disorderly proceedings in legislatures. Behaviors of some of the members inside the House lead to interruptions of its proceedings. Frequent interruptions of the proceedings of the House due to undisciplined behavior of some of the members put an avoidable financial burden on the national exchequer which our economy could ill-afford.

Despite the existence of a body of rules which is adequate to deal with incidences of indiscipline in the House, still there are occasions when members defy the Chair. It is a matter of the concern in the resolution adopted at the Special sitting of Rajya Sabha on the occasion of the Fifty Years of Independence held on the 1 September, 1997 in this regard and calls upon the leaders of political parties to cooperate effectively with the Presiding Officers of the legislatures in enforcing discipline. They should enthrone their members to faithfully adhere to the norms of discipline and decorous behavior in the House.

The Government too has its share of responsibility for ensuring the smooth functioning of the House. In a parliamentary set up, while the Government has its way, the Opposition should have its say. The Government, therefore, has to be more responsive and accommodating towards the Opposition in allowing it to raise matters of urgent public importance in the House and the Opposi-

tion in turn be aware of its joint responsibility with the Government to the people of this country to ensure that proceedings in the House are conducted uninterruptedly in accordance with the rules, established procedures and conventions of the House.

Relationship between Permanent Executive and Political Executive

The Constitution separates the executive into two parts:

- In terms of **Articles 53 and 154**, the executive power of the Union and the States vests in the President or Governor directly or through officers subordinate to him. These officers **constitute the permanent civil service** and are governed by Part XIV of the Constitution.
- The other part of the executive is the '**political**'. The President or Governor is required to act according to the aid and advice of his Council of Ministers, appointed under Articles 73 and 163 of the Constitution. Because the advice is normally binding, such advice for the officers becomes an order which they must obey under Articles 77 and 166 respectively.
- The relationship between the Secretary and the Minister is organic. The Minister has the mandate of the people to govern, but the Secretary has an equivalent constitutional mandate to advise the Minister. Once his advice has been suitably considered, unless the Minister passes an illegal order, the Secretary is bound to implement it.
- The relationship between the Minister and the civil servant should be more objective. This is possible only if we put the relationship in an **output-outcome framework**. **Outputs** or key results are specific services that the civil servants produce and deliver, and therefore, the civil servants should be held to account for the delivery of key results, which becomes the basis for evaluation of their performance. **Outcome** is the success in achieving social goals and the political executive decides what outputs should be included so that the desired outcomes or social goals can be achieved.
- Another area which has tension in the relationship is the arbitrary transfer and posting of civil servants at the behest of Ministers and other political leaders particularly in the states. In fact, the process of transfers of civil servants is perceived to be so lucrative that it is popularly known as the transfer industry.
- The **Fifth Pay Commission** made several recommendations about evolving detailed, clear, and transparent transfer policies. First, the Commission recommended that **detailed guidelines should be formulated and publicized** by each department as part of a comprehensive transfer policy, so that arbitrariness in transfers is eliminated altogether, and transfers are effected in as transparent a manner as possible.
- **Second**, in order to ensure administrative continuity and stability to incumbents, **frequent transfers should be discouraged**, and a minimum tenure for each posting of officers should be predetermined, and it should normally be three to five years, except in cases where longer tenures are justified on functional grounds, like continued availability of certain specialized skills. In the case of sensitive posts, where opportunities exist for developing vested interests, the tenure should be defined for a shorter period, which may be two to three years.
- **Third**, any premature transfer before the completion of the prescribed tenure should be based on sound administrative grounds, which should be spelt out in the transfer order itself. The civil servant should be given the right to appeal against such an order if he feels aggrieved.
- **Fourth**, the instrument of transfer should not be allowed to be misused either by bureaucrats themselves or by politicians in power. It should not be used as a means of punishment by circumventing the procedure laid down for disciplinary proceedings.
- The Draft Public Services Bill, 2006 moots the idea of constituting a Central Public Services Authority for good governance.
- Another likely area of conflict between the Minister and the officers is the influence exercised by the Minister in the day-to-day functioning of subordinate officer.
- It is necessary to spell out the relationship between the Political executive and the bureaucracy in a comprehensive manner.

Ethics and Politics

- Ethical Values in Politics play an important role in setting the public discourse while it is unrealistic and simplistic to expect perfection in politics in an ethically imperfect environment, the standards set in politics influence other aspect of governance.

- **Criminalization of Politics:** Participation of criminals in the electoral process, for political parties individuals with criminal background secure votes through use of money and muscle power.
- Large, illegal and illegitimate use of expenditure in elections is another root cause of corruption. Cleansing elections is the most important route to improve ethical standards in politics, to curb corruption and rectify maladministration.

Recent Improvements

- Improvement in accuracy of electoral rolls.
- Disclosure of antecedents of candidates.
- Disqualification of Persons convicted of criminal offence.
- Enforcement of code of conduct by Election Commission.
- Deputation of Central Armed Forces ensured Free and fearless polling.
- 91st amendment act, 2003 which put a cap on the size of council of ministers that fixed 15% to the strength of Lok Sabha/State Legislature.

Issues in Political Reforms

- **Reform of Political Funding:** Political parties are funded through private donations. Internationally there are three pattern of state funding for political parties and elections.
- One is the minimalist pattern, wherein elections alone are partially subsidized
- usually through specific grants or state rendered services i.e. UK, Ireland, Australia.
- The second, maximalist pattern of state funding involves public funding not merely for elections but even for other party activities, as in Sweden and Germany.
- In between, there are a variety of mixed patterns involving partial reimbursement for public funding of elections on a matching grant basis such as in France, Netherlands and South Korea.
- The Representation of the People Act, 1951 puts limits on election expenditure, company donations to political party were banned in 1969 but later allowed by an amendment of the Companies Act in 1985.

- **The Dinesh Goswami Committee** on Electoral Reforms set up in 1990 recommended limited support, in kind, for vehicle fuel, hire charges of microphones, copies of electoral rolls etc., while simultaneously recommending a ban on company donations.

The way forward

- A system for partial state funding should be introduced in order to reduce the scope of illegitimate and unnecessary funding of expenditure for elections.

Tightening of Anti-Defection Law

- It represents manipulation of the political system for furthering private interests, and has been a potent source of political corruption.
- The **91st Amendment to the Constitution** was enacted in 2003 to tighten the anti-defection provisions of the Tenth Schedule.
- This Amendment makes it mandatory for all those switching political sides – whether singly or in groups – to resign their legislative membership.
- They now have to seek re-election if they defect and cannot continue in office by engineering a ‘split’ of one-third of members, or in the guise of a ‘continuing split of a party’. Thus made defections virtually impossible and is an important step forward in cleansing politics.

What should be done?

- The issue of disqualification of members on grounds of defection should be decided by the President/Governor on the advice of the Election Commission.

Disqualification

- The heinous offences listed murder, abduction, rape, dacoity, waging war against India, organized crime and narcotics offences. It also seems reasonable to disqualify persons facing corruption charges, provided the charges have been framed by a judge/magistrate after prima facie evidence.
- The Election Commission has suggested that as a precaution against motivated cases, it may be provided that only cases filed six months before an election would lead to such disqualification.

What should be done?

- Section 8 of the Representation of the People Act, 1951 needs to be amended to disqualify all persons facing charges related to grave and heinous offences and corruption, with the modification suggested by the Election Commission.

False Declarations

- The Election Commission has recommended that all false declarations before the Returning Officer, Electoral Officer, Chief Electoral Officer or the Election Commission should be made an electoral offence under Section 31 of the Representation of the People Act.

Publication of Accounts by Political Parties

- Political parties have a responsibility to maintain proper accounts of their income and expenditure and get them audited annually.
- The Election Commission has reiterated this proposal. This needs to be acted upon early. The audited accounts should be available for information of the public.

Coalition and Ethics

- Coalition partners change partnerships mid-stream and new coalitions are formed, primarily driven by opportunism and craving for power in utter disregard of the common minimum programme agreed prior to government formation.
- To maintain the will of the people, it is necessary to lay down an ethical framework to ensure that such exercises in opportunism, through redrawing of coalitions between elections, do not take place.

Recommendation

- The Constitution should be amended to ensure that if one or more parties in a coalition with a common programme mandated by the electorate either explicitly before the elections or implicitly while forming the government, realign midstream with one or more parties outside the coalition, then Members of that party or parties shall have to seek a fresh mandate from the electorate.

Appointment of the Chief Election Commissioner

- Article 324 of the constitution stipulates the appointment of Chief Election commissioner by the president on the advice of prime-minister.

- Given the far reaching importance and critical role of the Election Commission in the working of our democracy, it would certainly be appropriate if a collegium is constituted for selection of the Chief Election Commissioner and the Election Commissioners.

Recommendation

- A collegium headed by the Prime Minister with the Speaker of the Lok Sabha, the Leader of Opposition in the Lok Sabha, the Law Minister and the Deputy Chairman of the Rajya Sabha as members should make recommendations for the consideration of the President for appointment of the Chief Election Commissioner and the Election Commissioners.

Expediting Disposal of Election Petitions

- Election petitions in India are at present to be filed in the High Court. Under the Representation of the People Act, such petitions should be disposed of within a period of 6 months.
- In actual practice however, such petitions remain pending for years and in the meanwhile, even the full term of the House expires thus rendering the election petition infructuous.

Recommendations

- Special Election Tribunals should be constituted at the regional level under Article 323B of the Constitution to ensure speedy disposal of election petitions and disputes within a stipulated period of six months.
- Each Tribunal should comprise a High Court Judge and a senior civil servant with at least 5 years of experience in the conduct of elections (not below the rank of an Additional Secretary to Government of India/Principal Secretary of a State Government).
- Its mandate should be to ensure that all election petitions are decided within a period of six months as provided by law. The Tribunals should normally be set up for a term of one year only, extendable for a period of 6 months in exceptional circumstances.

Grounds of Disqualification for Membership

Article 102 of the Constitution provides for disqualification for membership of either House of Parliament under certain specific circumstances, which are as follows:-

- if he holds any office of profit under the Government of India or the Government of any State, other than

an office declared by Parliament by law not to disqualify its holder.

- if he is of unsound mind and stands so declared by a competent court;
- if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;
- A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.
- If he is so disqualified by or under any law made by Parliament. So far, no such law has been enacted.
- In view of recent development leading to expulsions of some Members of Parliament, it may be desirable to comprehensively spell out other circumstances under which the Members of Parliament can be disqualified.

Recommendation

- Appropriate legislation may be enacted under Article 102(e) of the Constitution spelling out the conditions for disqualification of membership of Parliament in an exhaustive manner. Similarly, the States may also legislate under Article 198 (e).

Ethics in Public Life

- Ethics is grounded in the notion of responsibility and accountability. In democracy, every holder of public office is accountable ultimately to the people.
- Ethics provides the basis for the creation of such laws and rules. Our legal system emanates from a shared vision of what is good and just.
- The trusteeship relationship between the public and the officials requires that the authority entrusted to the officials be exercised in the best interest of the people or in 'public interest'.

Nolan Committee on Standards in Public Life in the United Kingdom

- **Selflessness:** Holders of public office should take decisions solely in terms of public interest.
- **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 merit.

- **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 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 interest.

- **Leadership:** Holders of public office should promote and support these principles by leadership and example.

International Approach

- Various countries have, from time to time, addressed the issue of prescribing a Code of Conduct/Ethics for its Ministers, legislators and civil servants.
- There is a Ministerial Code in UK, in the US Senate a Code of Conduct and in Canada a 'Guide for Ministers'. In Belize, the Code of Conduct for public functionaries is prescribed in the Constitution itself.

Ethical framework for Ministers in India

Government of India has prescribed a Code of Conduct which is applicable to Ministers of both the Union and State Governments.

- According to the Representation of the People Act, 1951 a person **before taking office as a Minister**, shall
 - disclose to the Prime Minister, or the Chief Minister, as the case may be, details of the assets and liabilities, and of business interests, of himself and of members of his family.
 - Sever all connections, short of divesting himself of the ownership, with the conduct and management of any business in which he was interested before his appointment as Minister.

- **After taking office**, and so long as he remains in office, the Minister shall:
 - furnish annually by the 31st March to the Prime Minister, or the Chief Minister, as the case may be, a declaration regarding his assets and liabilities;
 - refrain from buying from or selling to, the Government any immovable property except where such property is compulsorily acquired by the Government in usual course;
 - refrain from starting, or joining, any business;
 - report the matter to the Prime Minister, or the Chief Minister as the case may be, if any member of his family sets up, or joins in the conduct and management of, any other business.
- Ministers must recognize that misuse of official position or information is violation of the trust reposed in them as public functionaries;
- Ministers must act objectively, impartially, honestly, equitably, diligently and in a fair and just manner.

Present Code of Conduct

- The authority for ensuring the observance of the present Code of Conduct is the Prime Minister in the case of Union Ministers, the Prime Minister and the Union Home Minister in the case of Chief Ministers, and the Chief Minister concerned in the case of Ministers of the State Government.
- The Commission is of the view that dedicated units should be set up in the offices of the Prime Minister and the Chief Ministers of the states to monitor the observance of the Code of Conduct.

A Minister should

- not accept valuable gifts except from close relatives, and he or members of his family should not accept any gifts at all from any person with whom he may have official dealings;
- not to permit a member of his family, contract debts of a nature likely to embarrass or influence him in the discharge of his official duties.

The Commission has examined the code of conduct in other countries and is of the view that a Code of Ethics and a Code of Conduct for Ministers should include the following:

- Ministers must uphold the highest ethical standards;
- Ministers must uphold the principle of collective responsibility
- Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and agencies;
- Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;
- Ministers in the Lok Sabha must keep separate their roles as Minister and
 - constituency member;
- Ministers must comply with the requirements which the two Houses of Parliament lay down from time to time;
- In addition to the existing Code of Conduct for Ministers, there should be a Code of Ethics to provide guidance on how Ministers should uphold the highest standards of constitutional and ethical conduct in the performance of their duties.
- Dedicated units should be set up in the offices of the Prime Minister and the Chief Ministers to monitor the observance of the Code of Ethics and the Code of Conduct. The unit should also be empowered to receive public complaints regarding violation of the Code of Conduct.
- The Prime Minister or the Chief Minister should be duty bound to ensure the observance of the Code of Ethics and the Code of Conduct by Ministers. This would be applicable even in the case of coalition governments where the Ministers may belong to different parties.
- An annual report with regard to the observance of these Codes should be submitted to the appropriate legislature. This report should include specific cases of violations, if any, and the action taken thereon.
- The Code of Ethics should inter alia include broad principles of the Minister-civil servant relationship and the Code of Conduct.
- The Code of Ethics, the Code of Conduct and the annual report should be put in the public domain.

Ethical Framework for Legislators

The Committee on Ethics of the Rajya Sabha

- Chapter XXIV of the Rules of Procedure and Conduct of Business in the Council of States, provides for constitution of the Committee on Ethics to oversee the moral and ethical conduct of Members.

A Guideline for Rajya Sabha Members

- Members must not do anything that brings disrepute to the Parliament and affects their credibility.
- Members must utilize their position as Members of Parliament to advance general well being of the people.
- Members holding public offices should use public resources in such a manner as may lead to public good.
- Members should desist from giving certificates to individuals and institutions of which they have no personal knowledge and are not based on facts.
- Members should not lend ready support to any cause of which they have no or little knowledge.
- If Members are in possession of confidential information owing to their being Members of Parliament or Members of Parliamentary Committees, they should not disclose such information for advancing their personal interests.
- Members should not misuse the facilities and amenities made available to them.
- Members should not be disrespectful to any religion and work for the promotion of secular values.
- Members should keep uppermost in their mind the fundamental duties listed in part IV A of the Constitution.
- Members are expected to maintain high standards of morality, dignity, decency and values in public life.

The Committee on Ethics of the Lok Sabha

The members should abide by the following general ethical principles:

- Members must utilize their position to advance general well being of the people.
- In case of conflict between their personal interest and public interest, they must resolve the conflict so that personal interests are subordinate to the duty of public office.

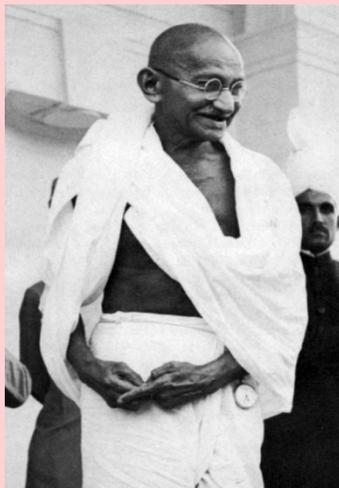
- Conflict between private financial/family interests should be resolved in a manner that the public interest is not jeopardized.
- Members holding public offices should use public resources in such a manner as may lead to public good.
- Members must keep uppermost in their mind the fundamental duties listed in Part-IV of the Constitution.
- Members should maintain high standards of morality, dignity, decency and values in public life.

Filing Assets and Liabilities Statement

- A new Section, 75A (the Representation of the People (Third Amendment) Act, 2002), has been inserted which stipulates that every elected candidate for a House of Parliament or the Legislature of the State, shall, within ninety days from the date on which he/she makes and subscribes an oath or affirmation, files the details of his/her assets/liabilities to the Chairman of the Council of State or the Legislative Council.

Recommendations

- An Office of 'Ethics Commissioner' may be constituted by each House of Parliament. This Office, functioning under the Speaker/Chairman, would assist the Committee on Ethics in the discharge of its functions, and advise Members, when required, and maintain necessary records.
- In respect of States, the Commission recommends the following:
 - All State legislatures may adopt a Code of Ethics and a Code of Conduct for their Members.
 - Ethics Committees may be constituted with well defined procedures for sanctions in case of transgressions, to ensure the ethical conduct of legislators.
 - 'Registers of Members' Interests' may be maintained with the declaration of interests by Members of the State legislatures.
 - Annual Reports providing details including transgressions may be placed on the Table of the respective Houses.
 - An Office of 'Ethics Commissioner' may be constituted by each House of the State legislatures. This Office would function under the Speaker/Chairman, on the same basis as suggested for Parliament.



The Seven Social Sins

The Seven Social Sins, as quoted by Mahatma Gandhi in "Young India", 1925.

- 1) **Politics without principles**
- 2) **Wealth without work**
- 3) **Pleasure without conscience**
- 4) **Knowledge without character**
- 5) **Commerce without morality**
- 6) **Science without humanity**
- 7) **Worship without sacrifice**

Code of Ethics for Civil Servants

- Allegiance to the various ideals enshrined in the preamble to the Constitution
- Apolitical functioning
- Good governance for betterment of the people to be the primary goal of civil service.
- Duty to act objectively and impartially
- Accountability and transparency in decision-making
- Maintenance of highest ethical standards
- Merit to be the criteria in selection of civil servants consistent, however, with the cultural, ethnic and other diversities of the nation
- Ensuring economy and avoidance of wastage in expenditure
- Provision of healthy and congenial work environment
- Communication, consultation and cooperation in performance of functions i.e. participation of all levels of personnel in management.
- Public Service Values' towards which all public servants should aspire, should be defined and made applicable to all tiers of Government and parastatal organizations. Any transgression of these values should be treated as misconduct, inviting punishment.
- Conflict of interest should be comprehensively covered in the Code of Ethics and in the Code of Conduct for officers. Also, serving officials should not be nominated on the Boards of Public undertakings. This will, however, not apply to non-profit public institutions and advisory bodies.

Ethical Framework for the Judiciary

An independent judiciary enjoying public confidence is a basic necessity of the rule of law.

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

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

Information Sharing and Transparency in Government

The free flow of information is a basic human right. The ability to seek, receive and impart information is crucial for respect of human rights.

One way of looking at “Democratisation of Information” is the ability of every person to get the information they need to make their lives better as it helps them in effective decision-making. Another dimension to this is building an information-driven society which has access to all services and facilities with minimum bureaucratic and procedural formalities.

An information-driven society leads to transparency and accountability. This provides impetus to programmes aimed at improving the processes and systems of public bodies thereby improving service delivery. A number of international bodies with the responsibility of promoting and protecting human rights have recognised the fundamental nature of the Right to Information (RTI).

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations (UN) General Assembly in 1948, is generally considered to be the flagship statement of international human rights.

Article 19, binding on all states as a matter of customary international law, guarantee the Right to Freedom of Expression and Information in the following terms

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Information is required at multiple levels as follows:

- At the first level, the public should be aware of their rights. There are numerous examples where millions of people are not even aware of their basic rights. For example, the Targeted Public Distribution System (TPDS) has been in place for many decades in India, but a number of the targeted beneficiaries are not even aware of their entitlements.
- At the second level, people need to have information that will enable them to use the services provided by the government. For example, a beneficiary needs to know the ration card registration process in order to avail the benefits. A simple IT based system of ra-

tion card registration where the beneficiary is helped through the process can make a huge difference.

- At the third level, people will be able to demand services as per service level agreements set by the government and raise grievances so that the system is able to correct itself based on the feedback from the users.

Unfortunately, many people do not have information at the first level itself. Thus, awareness of rights, government services and welfare schemes is central to democratisation of information. **The electronic delivery of services provides information to users so that they are aware of the services and benefit from it by using multiple communication channels.** Some of the electronic channels being used today include Web portals (available on the Internet), e-mails, SMS, kiosks, Common Service Centres (CSCs) that ensure that information flows to people wherever they are. Service centres manned by skilled people are also a key channel for distribution of information. Other channels of information dissemination include print media, television, radio and public office premises.

In this context, civil society organisations and media have a key role to play. The civil society organisations are increasing awareness and helping people get access to information. The media has played its part in generating awareness and remains a powerful means of ensuring reach and awareness.

In India, the Electronic Delivery of Services Bill has been introduced while the RTI Act was passed in 2005. **The challenge is, however, not in the absence of law but in its implementation.** This includes bringing about a cultural change towards ‘openness’ in the way public authorities work. It also means managing the cost of information and using innovative ideas and Information Technology (IT) to make information accessible to public wherever they are at a reasonable cost. Use of technology is the only way by which information can be made available to a billion-plus people in India, as it can remove economic, language and other barriers to information flow.

While the flow of information has some obvious benefits like increased transparency, accountability, public participation and empowerment, it has some pitfalls too. If the information is used to make allegations to malign public servants or create disorder it can negatively impact the working of public bodies. Adequate checks and balances are needed in the systems to ensure that information is not misused by such elements.

Today, a number of public authorities at the central and state levels are using IT to manage and disseminate information. **However, the progress has been slow. While India is miles ahead of other countries in the maturity of its IT industry, the pace of adoption within the government space is slow.** Various governments have been striving to bring about changes in the way public authorities function. Large transformational projects have been implemented. The success of these projects hinges not only on the technical solution but also on its adoption by various stakeholders.

Democratisation of Information

The vision of building an information-driven, inclusive society that has access to all information and services with minimal bureaucratic and procedural delays is driving governments worldwide to move towards digitisation so that information and services can be provided to the public easily.

To make this happen, the following are imperative:

- Relevant information should be available to everyone.
- Information should be available in such form which is easily accessible (Internet, mobile telephony, notice boards, newspapers, public announcements, media broadcasts, inspection of offices of public authority etc).
- Information available should be understandable (language).

The key tenets to ensure Freedom of Information are listed as follows:

- **Maximum Disclosure** - This tenet has multiple implications such as the body seeking to deny access to information bears the onus of proving that it may legitimately be withheld; No public bodies should be excluded from the ambit of the law.
- **Obligation to Publish** - Public bodies should be under an obligation to publish key information. The amount of information covered should increase over time particularly as new technologies make it cheaper and easier to disseminate information.
- **Promotion of Open Government** -The success of Freedom of Information law depends on having a culture of openness. This may be the biggest challenge facing democratisation of information as a cultural change is difficult to bring about.

- **Limited Scope of Exceptions** - Exceptions should be clearly and narrowly drawn and subject to strict “harm” and “public interest” tests.
- **Process to Facilitate Access** - Requests for information should be processed rapidly and fairly, and an independent review of any refusals should be available.
- **Costs** - Individuals should not be deterred from making requests for information due to excessive costs.

Advantages of Democratisation of Information

It is well recognised that information plays a pivotal role in the lives of people. Some examples are as follows:

- A pensioner does not know how to get pension or faces challenges getting pension and is unable to get help to resolve the issue.
- A daily wage earner does not get full wages for work done.
- People lose their lives and property as they do not get advance information on disaster even though the information is available to a few.
- People below the poverty line are unable to get the benefits of various social welfare schemes, including food and health insurance.
- A public body increases its revenue 80 times in two years and increases its collections 150 times over a three-year period with the implementation of an IT application that provides e-services to citizens.
- Citizens, non-governmental organisations (NGOs) and activists are able to see information on progress made at the village level and conduct social audits.

Thus, information is driving transparency, accountability and integrity in the functioning of public bodies. Moreover, it is helping increase public awareness and adoption of government programmes. It is connecting people to the government. If citizens are involved in decisions, adoption of new schemes will become easier.

Challenges to Democratisation of Information

While there is consensus that information needs to reach everyone, there are several barriers that need to be surmounted. These barriers include:

- **Economic Barriers** - Certain sections of citizens may not be able to pay for the cost of information even though it is available.

- **IT Infrastructure Barriers** - Communication infrastructure may not be available leading to poor accessibility. The table below shows internet penetration for India, China, Russia and United States. India lags in this area.
- **Language Barriers** - Information should be available in a language that is understood by the citizens.
- **Other Barriers** - These include government organisation barriers. Also, many people need assistance in accessing/understanding information due to factors like illiteracy and disability.
- Maintains a repository of addresses and telephone numbers of Federal departments and agencies subject to RTI.
- Other institutions associated with the federal government to facilitate access.
- Annual reports and statistics on the number of requests and a summary of federal court cases related to access to information and privacy is published.
- Annual reports for assessing the compliance of government institutions with the provisions of the Act are tabled within months of the end of the financial year.

Data needs to be managed in a way that it is easily processed and presented to people through multiple channels. The cost of information includes the cost of media (print, electronic etc), cost of collating data, administrative costs etc. Public authorities need to plan proactively to identify and manage these costs. A cultural change to bring about openness has become necessary.

Democracy brings with it added responsibility. All stakeholders including the public, government and private entities, civil society need to use the information available responsibly, lest it is misused for anti-social and anti-national activities. Information can be used by nefarious elements to slow down the government process and create mistrust among the stakeholders and also compromise the rights of people and various entities. Thus, adequate checks and balances need to be built to ensure that information is not misused.

IT as an enabler in causing democratisation of information

Digitisation of public bodies can ensure availability of information. Data can be processed into information which can be disseminated easily. Developing multiple access channels including kiosks, physical centres like the CSCs, mobile telephony, call centres; Internet among others will remove the barriers related to IT infrastructure.

Various countries have used technology to ensure successful information flow. For example, Canada has built an information source document that helps people find the source of information across the government. This includes the following features:

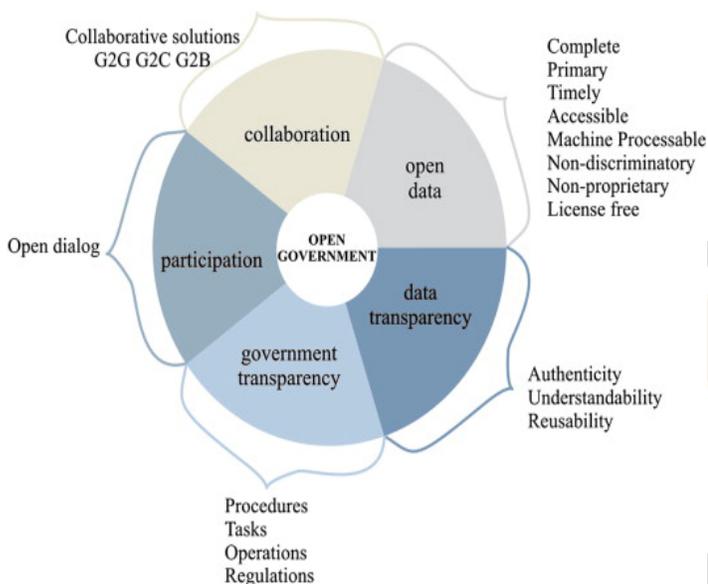
- One-stop shop for Suo Moto information,
- Provides information on government, its organisation and its information holdings.
- Helps citizens to determine which institute to contact.
- Right to information
- Civic engagement in the processes of governance, and
- Accountability for what the government or the public servant says and does

Significance of Transparency in Government

Openness through transparency becomes a means to greater civic participation in an enabled environment, where there is effective free flow of information both ways, to see through the working of the government; and to verify whether or not public servants are meeting their obligations to expectations of citizens. All the four components of accountability i.e. answerability, sanction, redress, and system improvement need information to account for unacceptable conduct, decisions, and actions. The gaps in conventional supply side accountability have led to the emergence of demand side accountability. "Social Accountability is the institutionalization of durable societal control over policies and their implementation. Civil society is progressively showing tremendous potential to participate directly in institutions of horizontal accountability. This can extend to all faces of development process, viz., planning (people's planning), programming, budgeting (budget analysis, participatory budgeting), release of funds (publication of funds released, public expenditure review), award of contracts (procurement watch, integrity pact), and monitoring of contracts (independent quality inspection). Post planning, this may extend to implementation (hospital advisory, management committees, community forest management), progress of implementation (corruption watch) and evaluation (citizen report card, community scorecards) and audit (public hearing, participatory audit, citizen audit request, monitoring of audit compliance, general law on social audit)". Open government can thus be said to have three components viz.

Open Government

The term 'open government' originated in the United States after World War II.



Open government is the governing doctrine which holds that citizens have the right to access the documents and proceedings of the government to allow for effective public oversight. In its broadest construction, it opposes reason of state and other considerations, which have tended to legitimize extensive state secrecy. The origins of open-government arguments can be dated to the time of the European Age of Enlightenment, during which philosophers debated the proper construction of a then nascent democratic society. It is also increasingly being associated with the concept of democratic reform. The United Nations Sustainable Development Goal 16 for example advocates for public access to information as a criteria for ensuring accountable and inclusive institutions.

Open government is one where the business of government and administration is thrown open to all, at all levels, so as to ensure effective public participation, scrutiny and oversight. The concept of open government is broad in scope but is most often connected to ideas of government transparency and accountability. Today the idea of open government is widely seen to be a key hallmark of contemporary democratic practice and is often linked to the passing of freedom of information legislation.

The Open Government Initiatives of the U.S. along with Canadian Government Initiatives that seek to bring in an unprecedented level of openness in government brings out a framework, which sets an example to emulate. However, the early tidings of open government in India can be said to have begun with the landmark judgment of Justice P. N. Bhagwati of the Supreme Court of India in 1981, (*Gupta S.P. vs Union of India* (1982) where, besides giving a general description of open government he stressed the need for increased disclosure in matters relating to public affairs. Noting that open government means 'information available to the public with greater exposure of the functioning of government which would help assure the people a better and more efficient administration' he went on to describe Open Government in India to be, "the new democratic culture of an open society towards which every liberal democracy is moving and our country (India) should be no exception".

Right to Information (RTI)

The right to information includes an access to the information which is held by or under the control of any public authority and includes the right to inspect the work, document, records, taking notes, extracts or certified copies of documents/records and certified samples of the materials and obtaining information which is also stored in electronic form.

All Indians enjoy Right to Information as a part of fundamental rights under Article 19(1)(a) of the Constitution. The right to information gained power when Universal Declaration of Human Rights was adopted in 1948 providing everyone the right to seek, receive, information and ideas through any media and regardless of frontiers.

The beginnings of the RTI law can be traced back to the Supreme Court's views in *Kulwal v/s Jaipur Municipal Corporation* case, 1986 in which the apex court directed that freedom of speech and expression provided under



Article 19 of the Constitution clearly implies Right to Information, as without information the freedom of speech and expression cannot be fully used by the citizens.

Right to Information Act 2005 mandates timely response to citizen requests for government information. Act provides for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions.

Objective of the Right to Information Act:

- The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government.
- Revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information. So this Act harmonises these conflicting interests while preserving the paramountcy of the democratic ideal.

Important sections of the RTI Act, 2005

Meaning of Information (Section 2 (f))

Information is any material in any form. It includes records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form.

It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

Meaning of "Right to Information"

"Right to Information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to

- inspection of work, documents, records;
- taking notes, extracts or certified copies of documents or records;
- taking certified samples of material;
- obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

Meaning of Public Authority (Section 2 (h))

A "Public authority" means any authority or body or institution of self- government established or constituted

- by or under the Constitution;
- by any other law made by Parliament;
- by any other law made by State Legislature;
- by notification issued or order made by the appropriate Government, and includes any (i) body owned, controlled or substantially financed; (ii) Non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

Obligations of Public Authority (Section 4)

(1) Every public authority shall

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

(b) Publish within one hundred and twenty days from the enactment of this Act:

- the particulars of its organisation, functions and duties;
- the powers and duties of its officers and employees;
- the procedure followed in the decision making process;
- the rules, regulations, instructions, manuals and records;

- a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public;
- a directory of its officers and employees;
- the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- the particulars of facilities available to citizens for obtaining information;
- the names, designations and other particulars of the Public Information Officers;
- such other information as may be prescribed and thereafter update these publications every year;

(c) Publish all relevant facts while formulating important policies or announcing the decisions which affect public

(d) Provide reasons for its administrative or quasi-judicial decisions to affected persons

(2) It shall be a constant endeavour of every public authority to take steps to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) Every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Meaning of Competent Authority

“Competent authority” means

- the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
- the Chief Justice of India in the case of the Supreme Court;
- the Chief Justice of the High Court in the case of a High Court;
- the Chief Justice of the High Court in the case of a High Court;
- the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution.
- the administrator appointed under article 239 of the Constitution;

Meaning of Public Information Officer (Section 5)

- Public authorities have designated some of its officers as Public Information Officer. They are responsible to give information to a person who seeks information under the RTI Act.
- According to the Act, every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.
- The Central Public Information Officer or State Public Information Officer may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties. For the purposes of any contravention of the provisions of this Act, such other officer whose assistance has been sought shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

Meaning of Assistant Public Information Officer

These are the officers at sub-divisional level to whom a person can give his RTI application or appeal. These of-

Officers send the application or appeal to the Public Information Officer of the public authority or the concerned appellate authority. An Assistant Public Information Officer is not responsible to supply the information. The Assistant Public Information Officers appointed by the Department of Posts in various post offices are working as Assistant Public Information Officers for all the public authorities under the Government of India.

What is the Fee for Seeking Information from Central Government Public Authorities?

A person who desires to seek some information from a Central Government Public Authority is required to send, along with the application, a demand draft or a banker's cheque or an Indian Postal Order of Rs.10, payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Assistant Public Information Officer against proper receipt.

However, the RTI Fee and the mode of payment may vary as under Section 27 and Section 28, of the RTI Act, 2005 the appropriate Government and the competent authority, respectively, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

The person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in this Act.

What is the Fee for the BPL applicant for Seeking Information?

If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line.

Is there any specific Format of Application?

There is no prescribed format of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant.

Is it required to give any reason for seeking information? (Section 6(2))

The information seeker is not required to give reasons for seeking information.

Is there any provision for exemption from Disclosure of Information?

- Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure.
- Sub-section (2) of section 8, however, provides that information exempted under
- Sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest.

Section 8:

- (1) There shall be no obligation to give any citizen,—
- a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign state or lead to incitement of an offence.
 - b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
 - c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
 - d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
 - e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
 - f) information received in confidence from foreign Government;
 - g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
 - h) information which would impede the process of investigation or apprehension or prosecution of offenders;

- i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken.
- j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request of information is made shall be provided to any person making a request, provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

Section 9:

Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

Section 10(1)

Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure then access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

Is there any assistance available to the Applicant for filing RTI application?

If a person is unable to make a request in writing, he may seek the help of the Public Information Officer to write his application and the Public Information Officer should render him reasonable assistance.

Where a decision is taken to give access to a sensorily disabled person to any document, the Public Information Officer shall provide such assistance to the person as may be appropriate for inspection.

What is the Time Period for Supply of Information?

- In normal course, information to an applicant shall be supplied by PIO within 30 days from the receipt of application by the public authority. (or reject the request for any of the reasons specified)
- If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours.
- In case the application is sent through the Assistant Public Information Officer or it is sent to a wrong public authority, five days shall be added to the period of thirty days or 48 hours, as the case may be.
- If the Public Information Officer fails to give decision on the request for information within the period specified Public Information Officer shall be deemed to have refused the request.

Is there any provision of Appeal under the RTI Act?

If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer.

Such an appeal, should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

Is there any scope for second appeal under the RTI Act?

If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate

authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

Can anyone go to the court against any order under this Act? (Section 23)

No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

Whether Complaints can be made under this Act? If yes, under what conditions?

If any person is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Information Commission.

What is the Method of Seeking Information? (Section 6(1))

A citizen, who desires to obtain any information under the Act, should make an application to the Public Information Officer of the concerned public authority in writing or through electronic means in English or Hindi or in the official language of the area in which the application is made. The application should be precise and specific. He should make payment of application fee at the time of submitting the application as prescribed in the Fee Rules.

Where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

The application has to be sent to the concerned Regional Head i.e. the Public Information Officer of the Region to which the matter/information pertains to, who shall dispose of the request within 30 days of the receipt of the request.

What if request of information has been rejected?

Where a request has been rejected, the Public Information Officer shall communicate to the person making the request,

- the reasons for such rejection;
- the period within which an appeal against such rejection may be preferred; and
- the particulars of the appellate authority.

What if application is made to wrong public authority? (Section 6(3))

If an application is made to a public authority requesting for an information, which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application to that other public authority and inform the applicant immediately about such transfer.

What is Third Party Information? (Section 11)

Third party in relation to the Act means a person other than the citizen who has made request for information. The definition of third party includes a public authority other than the public authority to whom the request has been made.

Section 11:

(1) Where Public Information Officer intends to disclose any information on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, Public Information Officer shall within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that Public Information Officer intends to disclose the information, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information

Except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by Public Information Officer, third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Public Information Officer shall within forty days after receipt of the request for information, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information and give in writing the notice of his decision to the third party.

Is there any organization(s) exempt from providing information under RTI Act?

Yes, certain intelligence and security organisations specified in the Second Schedule, are exempted from providing information excepting the information pertaining to the allegations of corruption and human rights violations. In the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Information Commission. Such information shall be provided within forty-five days from the date of the receipt of request.

Section 18:

(1) It shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—

- a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because Public Information Officer has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;
- b) who has been refused access to any information requested under this Act;
- c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
- d) who has been required to pay an amount of fee which he or she considers unreasonable;
- e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
- f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2) Where the Information Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(3) The Information Commission shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- b) requiring the discovery and inspection of documents;
- c) receiving evidence on affidavit;
- d) requisitioning any public record or copies thereof from any court or office;
- e) issuing summons for examination of witnesses or documents; and
- f) any other matter which may be prescribed.

(4) The Information Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority.

Section 19:

(1) Any person who, does not receive a decision within the time specified or is aggrieved by a decision of the Public Information Officer may within thirty days from the expiry of such

period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority. Such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by a Public Information Officer to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission. Information Commis-

sion may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) If the decision of the Public Information Officer relates to information of a third party, the Information Commission shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Public Information Officer who denied the request.

(6) An appeal shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing, with reasons to be recorded in writing.

(7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

(8) In its decision, the Information Commission has the power to—

- a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act.
- b) require the public authority to compensate the complainant for any loss or other detriment suffered;
- c) (impose any of the penalties provided under this Act;

(9) The Information Commission shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

Section 20:

Where the Information Commission is of the opinion that the Public Information Officer has without any reasonable cause refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect information or destroyed information or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees. Public Information Officer shall be given a reasonable opportunity of being heard before any penalty is imposed. Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

The burden of proving that he acted reasonably and diligently shall be on the Public

Information Officer.

The Information Commission shall also recommend for disciplinary action against the Public Information Officer under the service rules applicable to him.

Right to Information Vs Right of Non-Disclosure

- Some provisions of **Indian Evidence Act** (Sections 123, 124, and 162) provide to hold the disclosure of documents.
 - Under these provisions, head of department may refuse to provide information on affairs of state and only swearing that it is a state secret will entitle not to disclose the information.
 - In a similar manner no public officer shall be compelled to disclose communications made to him in official confidence.
- The **Atomic Energy Act, 1912** provides that it shall be an offence to disclose information restricted by the Central Government.
- The **Central Civil Services Act** provides a government servant not to communicate or part with any official documents except in accordance with a general or special order of government.
- The **Official Secrets Act, 1923** provides that any government official can mark a document as confidential so as to prevent its publication.

Right to Information Vs Right to Privacy

Conceptually, RTI and the right to privacy are both complementary as well as in conflict to each other. While RTI increases access to information, the right to privacy protects it instead. At the same time they both function, as citizen rights safeguarding liberty, against state's overreach. When the question of harmonizing the contradicting rights arises, it should give justice to the larger public interest advance the public morality.

Right to Information Vs Official Secrets Act

The OSA was enacted in 1923 by the British to keep certain kinds of information confidential, including, but not always limited to, information involving the affairs of state, diplomacy, national security, espionage, and other state secrets.

- 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 interest”.
- Political Parties are of the opinion that the disclosed information can be misused especially for political purposes, which can dent the smooth functioning of parliamentary democracy
- Political Parties can disclose financial information under the IT Act hence there is no need of creating redundancy under RTI

The Right to Information (Amendment) Bill 2019

- The Right to Information (Amendment) Bill, 2019 was passed by the parliament on 25th July, 2019. It seeks to amend the Right to Information Act, 2005. Key features of the Bill include:

Right to Information and Political Parties

The Central Information Commission (CIC), consisting of Satyanand Mishra, M.L. Sharma and Annapurna Dixit, has held that the political parties are public authorities and are answerable to citizens under the RTI Act. The CIC, a quasijudicial body, has said that six national parties –Congress, BJP, NCP, CPI (M), CPI and BSP and BJD – have been substantially funded indirectly by the Central Government and have the character of public authorities under the RTI Act as they perform public functions.

The RTI amendment Bill 2013 removes political parties from the ambit of the definition of public authorities and hence from the purview of the RTI Act.

Why political parties should be under the RTI act?

- Inclusion of political parties under the RTI act will contain corruption
- Huge donations from corporates which lead to favouritism or crony capitalism can be checked
- Illegal foreign contribution can be segregated from legal ones
- The leader of the opposition is statutorily mandated to be part of the select committees to choose Chairperson for CIC, Lokpal, CBI Director and CVC; hence the act in itself cannot be misused for political witch-hunting. Various members of the opposition are also part of various parliamentary committees
- Political enjoy multiple benefits like concessional office spaces, free airtime on DD & AIR from govt which are funded directly or indirectly by Public money
- **Term of Information Commissioners:** Under the Act, Chief Information Commissioner (CIC) and Information Commissioners (ICs) are appointed at the national and state level to implement the provisions of the Act. The Act states that the CIC and other ICs (appointed at the central and state level) will hold office for a term of five years. The Bill removes this provision and states that the central government will notify the term of office for the CIC and the ICs.
- **Determination of salary:** The Act states that the salary of the CIC and ICs (at the central level) will be equivalent to the salary paid to the Chief Election Commissioner and Election Commissioners, respectively. Similarly, the salary of the CIC and ICs (at the state level) will be equivalent to the salary paid to the Election Commissioners and the Chief Secretary to the state government, respectively. The Bill seeks to amend these provisions to state that the salaries, allowances, and other terms and conditions of service of the central and state CIC and ICs will be determined by the central government.
- **Deductions in salary:** The Act states that at the time of the appointment of the CIC and ICs (at the central and state level), if they are receiving pension or any other retirement benefits for previous government service, their salaries will be reduced by an amount equal to the pension. Previous government service includes service under: (i) the central government, (ii) state government, (iii) corporation established under a central or state law, and (iv) government company owned or controlled by the central or state government. The Bill removes these provisions.

Why Political Parties resist their inclusion under the RTI act?

- Political Parties claim that they are not public authorities hence cannot be brought under RTI Act.

Codes of Ethics and Codes of Conduct

The terms Codes of Ethics and Codes of Conduct are often used interchangeably but they mean different things. **A code of ethics is a document that outlines a set of principles that affect decision-making.** For example, a code of ethics might stipulate that a particular company or organisation is committed to environmental protection and green initiatives. The expectation is that individual employees, when faced with the option, will select the greenest solution.

Unlike laws which are enacted by legislature, the code of ethics comes out of social, cultural, moral guidelines and mores of the society. The ultimate aim of code of ethics is to promote social harmony by upholding ethical values.

A code of conduct outlines specific behaviors that are required or prohibited as a condition of ongoing employment. A code of conduct 'outlines a fundamental set of principles'. It helps to explain why members of an organization should behave in a certain way, what actions are prohibited and also how to determine which action is ethical or unethical.

A code of conduct might forbid sexual harassment, racial intimidation or viewing inappropriate or unauthorized content on organization computers. These are rigorous standards that usually are tightly enforced by leaders. There is considerable information that codes, along with other measures, have helped pull some organizations out of the morass of scandal, and have helped many organizations build a healthier work climate and reputation.

Codes of ethics, govern decision-making, while codes of conduct, govern actions together they, represent two of the most common ways that companies, governments, organisations adopt to self-regulate their decisions and actions.

Codes of ethics and conduct have proliferated in part because of increasing public concern about the way Governments, organizations or companies do business and engage with public or customer.

Code of ethics and code of conduct specify the ethical standards that a group (e.g., staff or a professional group) should follow in order to continue as a member of the group. They are generally formally stated and members are required to accept them as part of their membership of the group while accepting employment/membership.

Both codes are similar insofar as they attempt to encourage specific forms of behavior by employees. **Ethics guidelines attempt to provide guidance about values and choices to influence decision-making, whereas conduct regulations assert that some specific actions are appropriate or inappropriate. In both cases, the organization's desire is to obtain a narrow range of acceptable behaviors from employees.**

Organizations often have both types of behavior code, or they are combined into a general ethics document that mixes principles for the right action with a list of actions that are required or prohibited.

Code of Ethics

- The codes of ethics are statements of value that guide decisions
- Code of Ethics generally are wide-ranging and non-specific, designed to provide a set of values or decision making approaches that enable employees to make independent judgments about the most appropriate course of action.
- The code of ethics for an organization or for a profession are developed more in the form of statement of values and beliefs that defines an organization or a group. Value statements are aspirational in content. So long as an individual subscribes to such codes he/she is accepted by the institution or organisation which cherishes the codes of ethics.
- The codes of ethics are often publicly disclosed

Codes of Conduct

- The codes of conduct are formal statements of behavioural conduct that guide actions
- Codes of Conduct generally require little judgment; you obey or incur a penalty, and the code provides a fairly clear set of expectations about which actions are required, acceptable or prohibited.
- The code of conduct, on the other hand, translates the values (documented in the code of ethics) into specific behavioural standards, keeping in mind the possible reflection on the stakeholders' interest.
- The codes of conduct are meant for only employees of an organisation.

Central Civil Services (Conduct) Rules, 1964

The central government has issued a revised code of conduct for bureaucrats that require them to be politically neutral, honest, impartial and maintain high ethical standards. The amended rules state that every member of the All India Services, which includes the IAS and IPS, shall be courteous and responsive to the public, particularly the weaker sections, and ensure accountability and transparency in discharge of his duties. According to the new conduct rules

- Every member of the service shall take decisions solely based on merit and in public interest and use public resources efficiently, effectively and economically.
- Every member of the services shall make choices, take decisions and make recommendations on merit alone.
- Civil servants shall not place themselves under any financial or other obligations to any individual or organisation which may influence the performance of their official duties.
- Civil servants are now required to declare any private interests relating to their public duties and take steps to resolve any conflicts in a way that protects public interest
- Civil servants are liable to maintain confidentiality in performance of their duties as required by the laws. Particularly where the information or disclosure may prejudicially affect the security of the state, strategic, scientific or economic interests of the state, friendly relations with foreign countries or lead to incitement of an offence or illegal or unlawful gains to any person/entity.
- The civil servants shall perform their duties with high degree of professionalism by upholding the supremacy of the constitution, sovereignty and integrity of India, security of the state, public order, decency and morality.
- The civil servants shall act with integrity, impartiality and fairness towards all and should be compassionate towards the weaker sections of the society
- The civil servants shall maintain discipline while discharging their duties and should be liable to implement lawful orders duly communicated to them

Citizen's Charters

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. The programme was re-launched in 1998 by the Labour Government of Tony Blair which rechristened it **"Services First"**.

Objectives of Citizen's Charter

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:

- Quality: Improving the quality of services;
- Choice: Wherever possible;
- Standards: Specifying what to expect and how to act if standards are not met;
- Value: For the taxpayers' money;
- Accountability: Individuals and Organisations; and
- Transparency: Rules/Procedures/Schemes/Grievances

These were later elaborated by the Labour Government as the nine principles of Service Delivery (1998), which are as follows:-

- Set standards of service
- Be Open and provide full information
- Consult and involve
- Encourage access and the promotion of choice
- Treat all fairly
- Put things right when they go wrong

- Use resources effectively
- Innovate and improve
- Work with other provide

The Rationale behind Citizen's Charter

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.

If successfully implemented, the charter can enable the following:

- Improved service delivery;
- Greater responsiveness of officials towards the public; and
- Greater public satisfaction with services.

Ingredients of a good Citizen's Charter

The elements of a good charter can be said to be:

- Focus on Customer Requirements;
- Simple Language;
- Service standards;
- Effective Remedies;
- Training;
- Delegation;
- Feedback Mechanism;
- Close Monitoring;
- Periodic Review.

Citizen's Charter and the International experience

The UK's Citizen's Charter initiative aroused considerable interest around the world and several countries implemented similar programmes e.g., Australia (Service Charter, 1997), Belgium (Public Service Users' Charter 1992), Canada (Service Standards Initiative, 1995), France (Service Charter, 1992), India (Citizen's Charter, 1997), Jamaica (Citizen's Charter 1994), Malaysia (Client Charter, 1993), Portugal (The Quality Charter in Public Services, 1993), and Spain (The Quality Observatory, 1992).

Some of these initiatives are very similar to the UK model, whereas others break new ground by leaning on the service quality paradigm of the 'Total Quality Management' (TQM) movement. Some other initiatives are pitched somewhere in between.

THE MALAYSIAN EXPERIMENT

The Government of Malaysia issued Guidelines on the Client's Charter in 1993 to assist government agencies to prepare and implement Client's Charter, which is "a written commitment by an agency to deliver outputs or services according to specified standards of quality" (Government of Malaysia, 1998). A 'Best Client's Charter Award' was instituted in 1993.

The Malaysian system of Client's Charter closely follows the UK Model. A distinction is made, however, between agency-wide and unit charters. The concept of 'service recovery' enjoins taking steps to restore the trust and confidence of the client in a proactive manner when things go wrong.

THE AUSTRALIAN WERE NOT FAR BEHIND

The Commonwealth Government of Australia launched its Service Charter Initiative in 1997 as part of its on-going commitment to improve the quality of service provided by agencies to the Australian community by moving the government organisation away from bureaucratic processes to customer-focused outcomes. Service Charters are considered a powerful tool for fostering change and require the organisation to focus on services delivered, to measure and assess performance, and to initiate performance improvement.

By providing goals for agencies to strive towards, a Charter acts as a surrogate for competition where none exists (Department of Finance and Administration, 1999). Centre link is a one-stop shop that provides access to Australian government services for over six million customers. Centre link has adopted one-to-one service as an innovative and personalised approach to service delivery. One-to-one service treats customers with respect and consistency and takes the complexity out of dealing with government.

THE CANADIAN FOLLOWED UP

The Treasury Board of Canada Secretariat started a Service Standard Initiative in 1995 which took its cue from the Citizen's Charters of the United Kingdom, but enlarged the scope considerably.

This Service Standard Initiative in Canada was started against the backdrop of citizen expectations relating to friendly, respectful and courteous service; faster response times; extended hours at government offices; and "one-stop-shopping". At the same time there was a need to reduce the deficit and provide value for money through more efficient use of resources (Treasury Board of Canada, 1995).

Citizen's Charter and India

Over the years, in India, significant progress has been made in the field of economic development. This, along with a substantial increase in the literacy rate, has made Indian citizens increasingly aware of their rights. Citizens have become more articulate and expect the administration not merely to respond to their demands but also to anticipate them.

It was in this climate that a consensus began to evolve, since 1996, in the Government on effective and responsive administration. At a Conference of Chief Ministers of various States and Union Territories held on 24 May,

1997 in New Delhi, presided over by the Prime Minister of India, an "Action Plan for Effective and Responsive Government" at the Centre and State levels was adopted.

One of the major decisions at that Conference was that the Central and State Governments would formulate Citizen's Charters, starting with those sectors that have a large public interface (e.g., Railways, Telecom, Posts, Public Distribution Systems and the like).

These Charters were to include first, standards of service as well as the time limits that the public can reasonably expect for service delivery, avenues of grievance redressal and a provision for independent scrutiny through the involvement of citizen and consumer groups.

The Department of Administrative Reforms and Public Grievances in Government of India (DARPG) initiated the task of coordinating, formulating and operationalizing Citizen's Charters.

These Charters are expected to incorporate the following elements:-

- Vision and Mission Statements;
- Details of business transacted by the organisation;
- Details of clients;
- Details of services provided to each client group;
- Details of grievance redressal mechanism and how to access it; and
- Expectations from the clients.

Primarily an adaptation of the UK model, the Indian Citizen's Charter has an additional component of 'expectations from the clients' or in other words 'obligations of the users'.

VIVID INVOLVEMENT

Involvement of consumer organisations, citizen groups, and other stakeholders in the formulation of the Citizen's Charter is emphasised to ensure that the Citizen's Charter meets the needs of the users. Regular monitoring, review and evaluation of the Charters, both internally and through external agencies has been enjoined.

Even as the overall efforts and initiatives of the government on Citizen's Charter were on, it was realised that exemplary implementation of a Charter in a major public interface area of government would not only establish a new concept in the inertia-prone bureaucracy, but also act as a role model for replication in other sectors/areas.

The banking sector was identified for this purpose keeping in view the second phase of economic reforms and the fact that this sector was fairly advanced in terms of customer service and was also taking advantage of information technology to speed up various processes. The primary objective of this exercise was to build the Banking Sector as a model of excellence in the implementation of a Citizen's Charter.

To begin with, three major National level Banks, namely, Punjab National Bank, Punjab and Sind Bank and Oriental Bank of Commerce, were selected for a hand-holding exercise by the DARPG in the year 2000.

The following key issues were highlighted for exemplary implementation of their Citizen's Charters:-

- Stakeholder involvement in the formulation of Citizen's Charters;
- Deployment of Citizen's Charters in the Banks by full involvement of the staff, specially the employees at the cutting-edge level;
- Creation of awareness about the Charters amongst the customers of the Banks; and
- Special training for employees at all levels about the concept and implementation of a Citizen's Charter.

After an evaluation of the current status of the Charters by the identified banks through independent agencies, Action Plans were chalked out to rectify shortcomings. The Charters were, accordingly, revised and standardised on the basis of the model/ mother Charter developed by the Indian Banks Association (IBA).

Training for employees of selected branches through master trainers, trained by the National Institute of Bank Management using a module developed in consultation with DARPG was organised. Several measures to give wide publicity to Citizen's Charter were also undertaken.

An external agency was engaged to reassess and reevaluate the implementation of Citizen's Charter of these banks and at the end of this exercise also to document the hand-holding Exercise. The 'National Institute of Bank Management' (NIBM) was assigned this task, which was executed and a document about the exercise was brought out in the Year 2003.

Challenges in implementation of Citizen's Charters

The Citizen's Charters initiative in India had started in 1997 and most of the Charters formulated thereupon are in a nascent stage of implementation. Introduction of new concepts is always difficult in any organisation. Introduction and implementation of the concept of Citizen's Charter in the Government of India was much more difficult due to the old bureaucratic set up/procedures and the rigid attitudes of the work force.

The major obstacles encountered in this initiative were:-

- The general perception of organisations which formulated Citizen's Charters was that the exercise was to be carried out because there was a direction from above. The consultation process was minimal or largely absent. It, thus, became one of the routine activities of the organisation and had no focus;
- For any Charter to succeed the employees responsible for its implementation should have proper training and orientation, as commitments of the Charter cannot be expected to be delivered by a workforce that is unaware of the spirit and content of the Charter. However, in many cases, the concerned staff were not adequately trained and sensitised;
- Sometimes, transfers and reshuffles of concerned officers at the crucial stages of formulation/implementation of the Citizen's Charter in an organisation severely undermined the strategic processes which were put in place and hampered the progress of the initiative;
- Awareness campaigns to educate clients about the Charter were not conducted systematically;
- In some cases, the standards/time norms of services mentioned in Citizen's Charter were either too lax or too tight and were, therefore, unrealistic, thereby creating an unfavourable impression on the clients of the Charter;
- The concept behind the Citizen's Charter was not properly understood. Information brochures, publicity materials, pamphlets produced earlier by the organisations were mistaken for Citizen's Charters.

What have we learned through our experience of citizen's charters implementation?

The following lessons have been learnt from the experience of implementing the Citizen's Charter initiative till date:

- As with any new effort, the Citizen's Charter initiative is bound to be looked at initially with skepticism by bureaucrats as well as citizens. Hence, an effective awareness campaign amongst all the stakeholders at the initial stage is essential to overcome this skepticism. These awareness campaigns should be designed and delivered innovatively and effectively.
- The issuance of Citizen's Charter will not change overnight the mindset of the staff and the clients, developed over a period of time. Therefore, regular, untiring and persistent efforts are required to bring about attitudinal changes.
- A new initiative always encounters barriers and misgivings from the staff. There is a natural resistance to change, particularly among the cutting-edge staff. Involving and consulting them at all the levels of formulation and implementation of Citizen's Charter will go a long way in overcoming this resistance and will made them an equal partner in this exercise.
- Instead of trying to reform all the processes at once and encounter massive resistance, it is advisable to break the tasks into small components and tackle them one at a time.
- The charter initiative should have a built-in mechanism for monitoring, evaluating and reviewing the working of the Charters, preferably through an outside agency.

Steps necessary for the success of Citizen's Charters

To Make the Citizen's Charters a success the following are needed:-

- A Sense of urgency;
- Ownership of the Charter by the Head of the Department and the entire staff;
- At the State level, a committee headed by the Chief Minister should be constituted to oversee the implementation and progress of the Citizen's Charters;
- Constant interaction with the stakeholders;
- Motivating the staff and performance review of the

staff based on the criteria outlined in the charter.

- Taking corrective measures;
- Simplification of procedures and systems;
- Reducing hierarchy, decentralization.

Citizen's Charters should be seen as:-

- A partnership between people and the Government;
- Citizen's Charter is not just a concept, but a programme of action;
- They are a part of democratic reforms;
- Citizen's Charters give people orientation and customer focus;
- Citizen's Charters are a pro-active approach to good governance;
- Political parties, administrators, and even judiciary must encourage Citizen's Charters.

The key to success lies in:-

- Creating guarantees and redress policies;
- Building service standards into the performance management system of the organisation;
- Publicizing and comparing performance against the standards;
- Creating awards for meeting tough customer service standards.
- To be useful, the Charter must be simple;
- The Charter must be framed not only by senior experts, but by interaction with the cutting edge staff who will finally implement it and with the users (individual organisations);
- Merely announcing the Charter will not change the way we function. It is important to create conditions through interaction and training for generating a responsive climate;
- Begin with a statement of the service(s) being offered;
- A mention be made against each service the entitlement of the user, service standards and remedies available to the user in case of the non-adherence to standards;

A look at the Charter initiatives across the globe suggests a similar concern for improving service delivery and involving citizens in assessing performance. Despite the common management thrust evident in most Charter programmes, however, significant differences between

the politico-administrative contexts of these countries have resulted in divergent strategies being adopted by these. These differences manifest with regard to the extent of legal backing enjoyed by these initiatives, the use of guarantees and compensation in case of non-fulfilment, the extent of delegation in respect of defining standards and the choice of implementation mechanisms, the accent on market and nonmarket instruments and the commitment towards a review of implementation and action on that. Some countries emphasize efficiency, effectiveness, and value for money and lay greater accent on market mechanisms and notions of competitiveness, envisaging the citizen primarily as a client or consumer of services; these have adapted private sector experience to the public sector. Some of them have taken important initiatives towards devolution. Others have adopted legalistic style but laid stress on consultation and defined effectiveness in terms of citizen satisfaction.

Charters have thus not only taken a different shape and meaning but also varied in outcomes in respect of the state of public administration, in general, and service delivery, in particular. Significantly, these variations are evident not only across countries. Because of differences in the extent of delegation, important variations are evident in respect of the nature of commitments as well as effectiveness of Charters within specific country contexts too, across regions and services. It is therefore important to realise the scope for adapting the Charter programme to the specific county context and the possible strategies that can be worked upon to make these effective. In the context of India, the scope for variation across regions is also enormous on account of the vast regional diversity in the administrative culture as well as variations in the socio-economic and political context which affects the scope of citizen participation as well as the forms of accountability needed to improve effectiveness and efficiency.

Work Culture

Work culture represents the collective values, beliefs and principles of organization and employee and is a product of such factors as history, product, market, technology, and strategy, type of employees, management style, and national culture.

An organization is formed to achieve certain goals and objectives by bringing individuals together on a common platform and motivating them to deliver their level best. It is essential for the employees to enjoy at the workplace for them to develop a sense of loyalty towards it.

Work culture plays an important role in extracting the best out of employees and making them stick to the organization for a longer duration. The organization must offer a positive ambience to the employees for them to concentrate on their work rather than interfering in each other's work.

Work culture is a concept which deals in the study of:

- Beliefs, thought processes, attitudes of the employees.
- Ideologies and principles of the organization.

It is the work culture which decides the way employees interact with each other and how an organization functions.

In layman's language work culture refers to the mentality of the employees which further decides the ambience of the organization.

An organization is said to have a strong work culture when the employees follow the organization's rules and regulations and adhere to the existing guidelines. However there are certain organizations where employees are reluctant to follow the instructions and are made to work only by strict procedures. Such organizations have a weak culture.

Characteristics of a Healthy work Culture

- **A healthy work culture leads to satisfied employees and an increased productivity.**
- **Employees must be cordial with each other.** One must respect his fellow worker. Backbiting is considered strictly unprofessional and must be avoided for a healthy work culture. One gains nothing out of conflicts and nasty politics at work.
- **Each employee should be treated as one.** Partiality leads to demotivated employees and eventually an unhealthy work culture. Employees should be judged only by their work and nothing else. Personal relationships should take a backseat at the workplace. Don't favour anyone just because he is your relative.
- **Appreciating the top performers is important.** Praise the employees to expect good work from them every time. Give them a pat on their back. Let them feel indispensable for their organization. Don't criticize the ones who have not performed well, instead ask them to pull up their socks for the next time. Give them one more opportunity rather than firing them immediately.

- **Encourage discussions at the workplace.** Employees must discuss issues among themselves to reach to better conclusions. Each one should have the liberty to express his views. The team leaders and managers must interact with the subordinates frequently. Transparency is essential at all levels for better relationships among employees and a healthy work culture. Manipulating information and data tampering is a strict no no at the workplace. Let information flow in its desired form.
- **Organization must have employee friendly policies and practical guidelines.** Expecting an employee to work till late night on his birthday is simply impractical. Rules and regulations should be made to benefit the employees. Employees must maintain the decorum of the organization. Discipline is important at the workplace.
- **The “Hitler approach” does not fit in the current scenario.** Bosses should be more like mentors to the employees. The team leaders should be a source of inspiration for the subordinates. The superiors are expected to provide a sense of direction to the employees and guide them whenever needed. The team members should have an easy access to their boss’s cabin.
- **Promote team building activities to bind the employees together.** Conduct training programs, workshops, seminars and presentations to upgrade the existing skills of the employees. Prepare them for the tough times. They should be ready under any odd circumstances or change in the work culture.

Workplace Culture Model for High Performing Companies



Difference between Indian and Western work cultures

A varied work culture can be seen across the globe, from one workplace to another. A significant and defined difference can be observed in the working culture of India and western countries. In the western part of the world, a better standard of living and an upgraded standard of living is seen, as it is a cluster of developed nations. We will discuss the work culture of both the places, without any judgment of which is better, but at the same time provide an open platform for you to decide which best practices can be accommodated at your workplace. Hence choosing and maintaining a work culture to strive the organization and the employees towards excellence are very important.

1. The Importance of Time

A perfect work-life balance is seen in western countries. As they completely understand the difference between personal and professional life. They treat work as work and don't let it interfere in their personal life. They are quite keen on their work timings. Coming on time is the trend they follow, which is an 8-hour shift. Five days a week Monday to Friday from 9 AM to 6 PM are the usual working hours. There are very few people who work late at night or overtime unless necessary. They come on time, leave on time and get back to their personal life.

In India, we generally get late to work and have to sneak into our offices and work until late at night to cover up for the time. Most of us consider work to be our first priority whereas it should be of equal importance to our personal life. Hence planning your work to attain work-life balance is very important for healthy living.

2. The Colleague Relationship

A professional relationship is not only expected but also maintained in the western world, whether they are your family members or close friends. The culture in the office is strictly professional, only once they are out of the office a casual environment is observed.

In India, we become friends in no time. This leads to an interaction which is beyond professionalism. So India has yet to reach that level of professionalism. As people tend to take a lot of favours from each other. This leads to an environment which is very friendly. Hence seeing a positive side to this, people are more comfortable at the workplace, also creating a workplace that is encouraging

leading to better productivity. It is easier to start a new relationship, but really difficult to maintain, hence one should be really careful with the professional relations.

3. The Break Routine

In western countries, breaks are generally shorter. A 30-minute lunch break, and an added 15-minute tea/smoke break. Employees usually have beverages at their desks, and simultaneously check their emails or calculations or proofreading documents. This leads to more efficiency.

In India, a one-hour lunch break is on paper. This long break leads to long strolls on the premises. Also added to this is a 15-20 minutes tea/smoke breaks, making a place for mini gatherings between all employees either inside or outside the office building. This culture has its own advantage. It creates a workplace which refreshes everyone's mood and lightens the competitive environment.

As it is highly recommended to have a stretch or a small walk after every hour, for better concentration at work

4. The Office Environment

Health is considered to be the top priority at the offices in the west. They believe that to increase productivity, a positive environment and right mental health is a must in the office. Psychological assessments and group development activities are regularly conducted in the offices.

Coming to the culture of the subcontinent, India is catching up with the improvement of the office environment. Indian organizations believe in team building activities. Offices are giving incentives to their employees such as yearly trips or fitness vouchers hence encouraging a work-life balance. Providing a work environment that is relaxed and productive. This not only retains the employee but also creates a mouth to mouth publicity for the company.

The office environment is now a day's encouraging employees, not by incentives, but various other ways such as activity centres, kids area, motivational quotes. These quotes on the wall of the cabins motivate the employees to work better. The walls also mention the vision and mission of the workplace hence encouraging the employees to work in one direction.

5. Hierarchy

In western countries, authority is not followed much. A person with the right knowledge at a young age can also

be sent to the highest positions in the company. The environment in the organization will still be smooth. Also, superiority will not be shown and a learning environment is expected by all. This creates a much healthy environment to work.

Traditionally in India hierarchy was followed. But now organizations are moving towards a more flat system. Here there is no hierarchy and it leads to more efficiency. This makes a more welcoming environment. Also, the employees are much happy as they get equal respect regardless of their designation. Each and every person works together with dignity. Making each employee more confident about themselves in the organization. Also, there aren't any thoughts that someone is below or above any person.

Organization Ethics

The way an organization should respond to external environment refers to organization ethics. Organization ethics includes various guidelines and principles which decide the way individuals should behave at the workplace.

It also refers to the code of conduct of the individuals working in a particular organization.

Every organization runs to earn profits but how it makes money is more important. **No organization should depend on unfair means to earn money.** One must understand that money is not the only important thing; pride and honour are more important. An individual's first priority can be to make money but he should not stoop too low just to be able to do that.

Children below fourteen years of age must not be employed to work in any organization. **Childhood is the best phase of one's life and no child should be deprived of his childhood.**

Employees should not indulge in destruction or manipulation of information to get results. Data Tampering is considered strictly unethical and unprofessional in the corporate world. Remember if one is honest, things will always be in his favour.

Employees should not pass on company's information to any of the external parties. Do not share any of your organization's policies and guidelines with others. It is better not to discuss official matters with friends and relatives. Confidential data or information must not be leaked under any circumstances.

There must be absolute fairness in monetary transactions and all kinds of trading. Never ever cheat your clients.

Organizations must not discriminate any employee on the grounds of sex, physical appearance, age or family background. Female employees must be treated with respect. Don't ask your female employees to stay back late at work. It is unethical to discriminate employees just because they do not belong to an affluent background. Employees should be judged by their work and nothing else.

Organization must not exploit any of the employees. The employees must be paid according to their hard work and efforts. If individuals are working late at night, make sure overtimes are paid. The management must ensure employees get their arrears, bonus, incentives and other reimbursements on time.

Stealing office property is strictly unethical.

Organization must take care of the safety of the employees. Individuals should not be exposed to hazardous conditions.

Never lie to your customers. It is unprofessional to make false promises to the consumers. The advertisements must give a clear picture of the product. Do not commit anything which your organization can't offer. It is important to be honest with your customers to expect loyalty from them. It is absolutely unethical to fool the customers.

The products should not pose a threat to environment and mankind.

Employees on probation period can be terminated anytime but organizations need to give one month notice before firing the permanent ones. In the same way permanent employees need to serve one month notice before resigning from the current services. Employees can't stop coming to office all of a sudden.

Quality of Service Delivery

Service quality is a comparison of expectations with performance. A customer's expectation of a particular service is determined by factors such as personal needs and past experiences. The expected service and the perceived service sometimes may not be equal, thus leaving a gap.

Five gaps can be identified that may cause customers to experience poor service quality.

Gap One: between consumer expectation and management perception

This gap arises when the management does not correctly perceive what the customers want. For instance, hospital administrators may think patients want better food, but patients may be more concerned with the responsiveness of the nurse

Gap one may occur due to the following reasons:

- Insufficient marketing research
- Poorly interpreted information about the audience's expectations
- Research not focused on demand quality
- Too many layers between the front line personnel and the top level management

Gap two: between management perception and service quality specification

Although the management might correctly perceive what the customer wants, they may not set an appropriate performance standard. An example would be when hospital administrators instruct nurses to respond to a request 'fast', but may not specify 'how fast'.

Gap two may occur due to the following reasons:

- Insufficient planning procedures
- Lack of management commitment
- Unclear or ambiguous service design
- Unsystematic new service development process

Gap three: between service quality specification and service delivery

This gap may arise through service personnel being poorly trained, incapable or unwilling to meet the set service standard.

Gap three may occur due to the following reasons:

- Deficiencies in human resource policies such as ineffective recruitment, role ambiguity, role conflict, improper evaluation and compensation system
- Ineffective internal marketing
- Failure to match demand and supply
- Lack of proper customer education and training

Gap four: between service delivery and external communication

Consumer expectations are highly influenced by statements made by management and advertisements. The gap arises when these assumed expectations are not fulfilled at the time of delivery of the service. For example, the hospital printed on the brochure may have clean and furnished rooms, but in reality it may be poorly maintained, in which case the patients' expectations are not met.

Gap four may occur due to the following reasons:

- Over-promising in external communication campaign
- Failure to manage customer expectations
- Failure to perform according to specifications

Gap five: between expected service and experienced service

This gap arises when the consumers misinterpret the service quality. For example, a physician may keep visiting the patient to show and ensure care, but the patient may interpret this as an indication that something is really wrong.

Determinants that may influence the appearance of a gap are

- **Reliability:** the ability to perform the promised service dependably and accurately
- **Assurance:** the knowledge and courtesy of employees and their ability to convey trust and confidence
- **Empathy:** the provision of caring, individualized attention to customers
- **Responsiveness:** the willingness to help customers and to provide prompt service

The Sevottam Model of Service Delivery

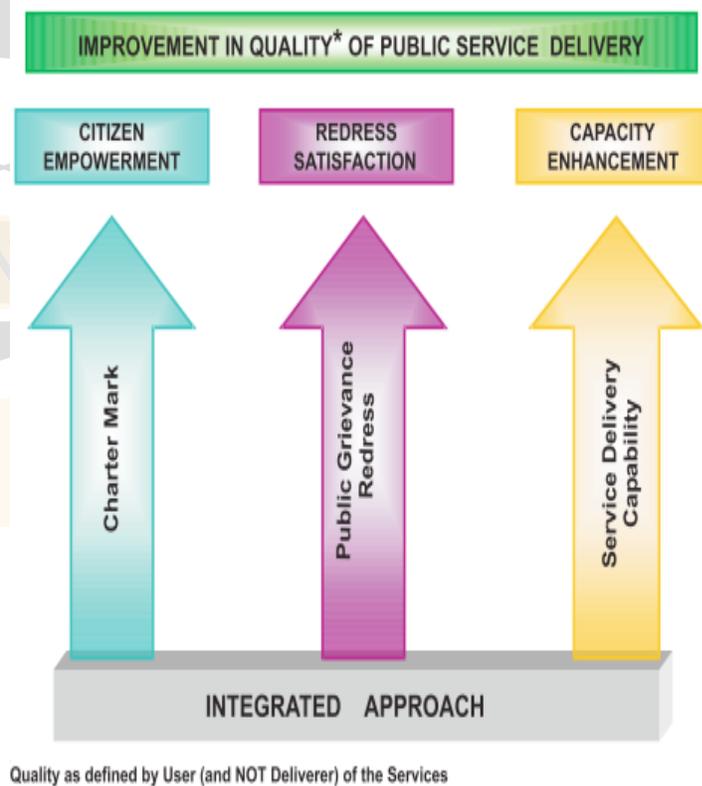
The Sevottam model has been developed with the overarching objective of improving the quality of public service delivery in the country. The model has three components, and in addition to this overarching objective, there are intermediate outcomes expected from compliance of conditions designed for each of these three components.

The **first component** of the model requires effective charter implementation thereby opening up a channel for receiving citizens' inputs into the way in which orga-

nizations determine service delivery requirements. Citizens' Charters publicly declare the information on citizens' entitlements; making citizens better informed and hence empowering them to demand better services.

The **second component** of the model, 'Public Grievance Redress' requires a good grievance redress system operating in a manner that leaves the citizen more satisfied with how the organization responds to complaints/grievances, irrespective of the final decision.

The **third component** 'Excellence in Service Delivery', postulates that an organization can have an excellent performance in service delivery only if it is managing the key ingredients for good service delivery well, and building its own capacity to continuously improve delivery. The ability of such an assessment model in influencing service delivery quality will be a function of how tightly improvement actions are linked to assessment results. Further, any assessment model needs to be updated periodically to keep it abreast with emerging developments. Change Management as well as Research and Development have therefore, been identified as important focus areas for running this model, in addition to administration of the assessment process and its culmination in certification or awards.



Intended Outcomes of Implementing Sevottam

Main Objective:

- Improve the quality of public service delivery in the country.

Intermediate outcomes:

- Intermediate outcomes are expected from compliance of conditions designed for each of these three components. These include Citizen Empowerment, Redress Satisfaction and Capacity Enhancement.
- Defects of earlier systems of public service delivery:

Drawbacks of Citizens Charter

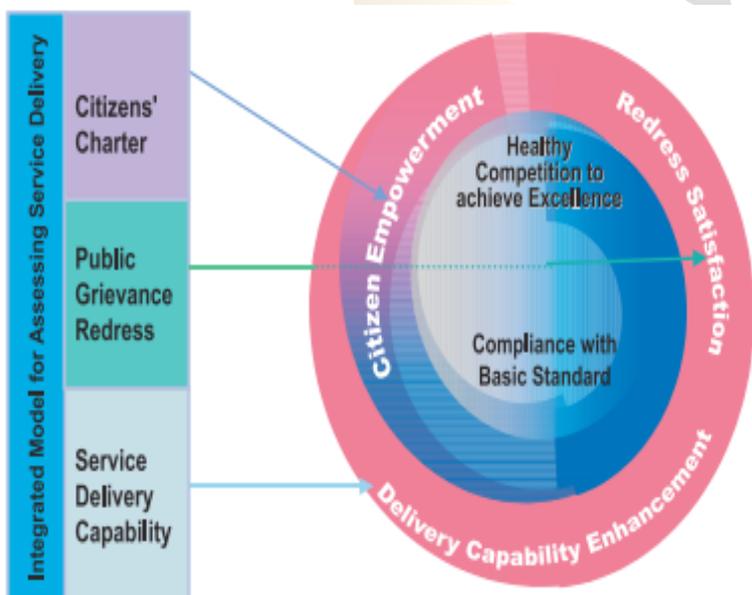
- Prepared without involvement of citizens/clients/stakeholders.
- No relation with service delivery improvement.
- Information about charter does not percolate down the line, hence not implemented.

Drawbacks in earlier Public Grievance Redress Mechanism

- Not in place in many organizations.
- Grievances not taken as feedback for improvement of services.
- Employees not trained for improvement of tasks assigned.

Defects in earlier Public Delivery Standards

- Not prescribed or not met due to inadequate infrastructure.
- Noninvolvement, de-motivation and lack of training of employees at the cutting edge level.
- Lack of proper planning for optimum utilization of resources.

**Utilization of Public Funds**

Public fund is the financial resource of the public which is held by state in a custodian capacity. Public fund management relates to the way governments manage public funds and the impacts on the growth of the economy and the wellbeing of citizens. Managing public resources involves how the government earns money, known as revenue, and how the government spends money, or expenditure. Revenue may come from taxes, money earned by state enterprises, or foreign aid and other sources. Expenditures include government wages, purchasing goods and services, and spending on infrastructure and public services among others.

Public resources should be applied for the best possible public benefit. Therefore, public entities should be guided by certain principles when they manage public resources. Utilization of public fund by public entities should demonstrate following principles:

Lawfulness- Public entities must act within the law, and meet their legal obligations. The public fund must be utilized after sanction from competent authority. Unauthorized spending is bound to lead to extravagance and overspending. Also, funds must be spent only for the purpose it has been sanctioned for.

Accountability- Public entities should be accountable for utilization of public funds and be able to give full and accurate accounts of their activities, and have in place governance and management arrangements suitable to address any concerns. In India, accountability is ensured through institutions and instruments like-

Legislative	Executive	Judicial	Civil Society
Budget	In house accountability mechanisms.	Judicial review	Elections
Parliamentary committees	CAG	Suit against government and officials	Social Audit, Citizen charter
Debates, discussion, question hour etc.	Lokpal and Lokayukta, CVC, CBI etc.	Judicial activism etc.	Media etc.

Openness and transparency- Openness depends on high standards of reporting and disclosure. This has a dual benefit:

- it demonstrates that the public resource is being used properly, fairly, and effectively for the optimal public benefit.
- it increases the public trust in the government.

Transparency ensures that authority acted within law and followed due process. Transparency also guarantees that authority observed the overall principles of equity and fairness and achieved value for money and optimal benefit to the end user. Some public entities operate in less than optimal situations, where there is no market of providers or where those that are available do not have capability or capacity that is required. These conditions place disproportionate discretion and power in the hands of public entities. Transparency becomes necessary under such situations to ensure that the actions are taken in good faith.

Value for money- Utilization of public fund must be effective and efficient, without waste, and in a way that optimises the public benefit. It is necessary that all public expenditure should satisfy one fundamental test, viz., that of Maximum Social Advantage. That is, the government should discover and maintain an optimum level of public expenditure by balancing social benefits and social costs. Every rupee spent by a government must have as its aim the promotion of the maximum welfare of the society as a whole. Care has to be taken that public funds are not utilized for the benefit of a particular group or a section of society. The aim is the general welfare.

The value-for-money principle involves several aspects, such as:

- Balancing effectiveness with efficiency;
- Sustaining the funding arrangement (where this is desirable)
- Demonstrating the competence of the public entity.

Sustainability of the funding relationship- While utilizing the public fund a public entity should take into account the possible effects of its funding decisions and need of funding in future. Public entities should ensure flow of fund for a cause at a rate that is fair and reasonable, and not jeopardise long-term service delivery prospects.

Consider the case of fertilizer subsidy in India. Each fertilizer manufacturer is provided subsidy to ensure financial viability of the manufacturer. This means the most inefficient is rewarded for its inefficiency. Such funding arrangement are not sustainable in long term but are strategically important for the country. This creates a dilemma regarding spending of public fund.

Fairness- While utilizing public funds, government have a fundamental obligation to always act fairly and reasonably because of the trust that people have placed in it. The conduct of public entity should be open and impartial. Also, to be fair and reasonable it is important to pay due regard to the diversity of the nation but without discrimination on the ground of caste, community, religion, gender or class and duly protect the interest of poor, underprivileged and weaker sections.

Integrity- Anyone who is managing public resources should do so with the utmost integrity. A government should have policies and processes to underpin the highest standards of integrity – for example, a code of conduct; a code of ethics, a public service code. Ethical utilization of public funds should require public servants to declare any personal interest that may affect, or could be seen to affect, their impartiality in any aspect of their work.

Some Ethical Issues Related to Utilization of Public Funds-

- Utilization of public fund for bailouts of businesses.
- Level of direct and indirect taxation.
- Use of public money for government advertisement.
- Running loss making PSU using public money.
- Resource distribution across sectors like health, defence, research etc.
- International aid giving when millions in India are devoid of basic amenities like education, healthcare, clean drinking water, electricity etc.
- Spending on space missions and interplanetary missions when remote villages are in accessible.
- Corruption in utilization of public fund.

Example- Using public funds for corporate bailout

Is it ethical to bailout large corporations using public funds when they continue to pay 'vulgar' salaries to their top executive?

Some corporates are “too big to fail”. If they collapse, the ripples will be felt not only in any particular sector but across the economy. In some cases, the company may be providing a service which no other company can provide ie. a case of monopoly (in Indian context we can see cases like DISCOMs which are loss makers but cannot be allowed to fail). Further, government is under pressure from the public to bail out large corporations as they employ large number of people. Sometimes private corporations may be under threat without any fault of their own example- global economic slowdown.

But, on the other hand bailouts promote a culture of inefficiency and distorted reward-punishment incentive. The money used for bailouts can be used in more impactful manner like for education or healthcare. Anticipated bailouts encourage a moral hazard by allowing managers to take higher-than-recommended risks in financial transactions. Also, companies argue that they pay large salaries to retain talent and if it is not paid any future prospect of revival will automatically end. It raises a question of morality versus economy.

Such questions can have no simple answers. While utilizing public fund for bailouts, government has to keep in mind the principles of public fund utilization to ensure “maximum benefit for maximum number”.

Reasons for inefficient use of Public Funds

A number of sociopolitical and administrative factors are responsible for inefficiency in utilisation of public funds.

Political reasons

- **Political rivalry:** Sometimes political class indulges in acts of vendetta which erodes the cooperation and collective efforts required for development.
- **Irrational freebies distribution:** Irrational distribution of freebies and signing off loans for electoral popularity puts pressure on budgetary balance.
- **Politicised protests:** Frequent ill intended protests and bandhs by any political faction increase the incurred costs due to delay in the public works undertaken.

Administrative reasons

- **Policy paralysis:** Delays, inaction and inability to take policy decisions by the government or its various departments and agencies is one the main causes of inefficiency in public fund utilisation.

- **Bureaucratic attitude:** Sometimes despotic attitude and obstructionist attitude of officials especially in higher echelons of bureaucracy acts as hindrance in carrying out developmental activities.
- **Inadequate political will:** Like recently due to inefficiency and underutilisation of funds, the Members of Parliament Local Area Development Scheme (MP-LADS) has been suspended for two financial years.
- **Red tapism:** Due to over regulation and practice of requiring excessive paperwork and tedious procedures before official action hinders implementation of schemes and projects, thereby it affects process of effective public fund utilisation
- **Lack of public participation:** With a high level of illiteracy and ignorance about government policies and schemes, many citizens (especially poor) could not demand their rightful financial liabilities from the Government.
- **Lack of autonomy of public watchdogs:** Like the Central Vigilance Commission lack powers to take decisions itself as it is treated as an advisory body only it has no power to register criminal cases against government officials. Similarly limited jurisdiction of CAG and lack of autonomy of CIC further weakens the capability to whistle blow and check accountability for irregularities in public finance.
- **Non Implementation of citizen charter:** Many public institutions have still not adopted a citizen charter, a tool of good governance to deliver public services to citizens as rights in a time bound manner.
- **Non adoption of citizen charter** is an impediment to efficient public fund utilisation.

Social Reasons

- **Social apathy towards corruption:** In India many people accept corruption as a norm due to which even the people with ill-gotten money enjoy the same status as the honest rich. This is unlike some societies like that of Japan where instances of social boycott of the corrupted people have been observed.
- **Inefficient education system:** Failure of the education system to inculcate the moral values of honesty and integrity firmly in its people.
- **Inequality:** Social and economical equality in Indian society foment greed among people to amass as much resources as possible when they get an oppor-

tunity. These cases of corruption are seen even in utilisation of public money at community level such as in Panchayats.

- **Lack of Institutional social accounting:** The process of communicating the social and environmental effects of actions and inactions of public authorities to particular interest groups within society like in the MNREGA scheme is not institutionalised.

Efficient utilisation of public funds requires a number of reforms for good governance such as decentralisation of power, plugging legislative loopholes, strengthening the public Institutions like CVC and RTI, enhancing administrative accountability and making society more democratic. These reforms could make society more sustainable in the long run.

Media Ethics

“Let noble thoughts come to us from every side” is the eternal message of the Rigveda given several millennia ago signifying the freedom of expression.

The modern democratic edifice has been constructed drawing on the above and the individual liberty of expression of thought as the supreme principle. ‘Journalism’, the concrete form of this expression has grown in power over a period of time. It has become a coveted profession amongst the present day career conscious youth and I am sure I find here today a most promising group many of whom will surely find place amongst the leading journalists in the years to come.

The fundamental objective of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased: and decent manner and language.

In 1948 the United Nations made the Universal Declaration of Human Rights laying down certain freedoms for the mankind. Article 19 of the Declaration enunciates the most basic of these freedoms, thus:

“Everyone has the right to freedom of opinion and expression’, the right includes the freedom to hold opinions without interference and to seek and receive and impart information and ideas through any media and regardless of frontiers”.

Article 19 (1)(a) of the Constitution of India guarantees to the citizen, the right to “Freedom of speech and expression”.

The press is an indispensable pillar of democracy. It purveys public opinion and shapes it. Parliamentary democracy can flourish only under the watchful eyes of the media. Media not only reports but acts as a bridge between the state and the public.

At a time when the globalization of Indian economy has brought about drastic change in the mediascape and the Indian press is also going global, the responsibility of the press to safeguard the interest of the people and the nation has increased manifold.

With the advent of private TV channels, the media seems to have taken over the reigns of human life and society in every walk of life. The media today does not remain satisfied as the Fourth Estate; it has assumed the foremost importance in society and governance. While playing the role of informer, the media also takes the shape of a motivator and a leader. Such is the influence of media that it can make or unmake any individual, institution or any thought. So all pervasive and all-powerful is today its impact on the society.

With so much power and strength, the media cannot lose sight of its privileges, duties and obligations. Journalism is a profession that serves. By virtue thereof it enjoys the privilege to ‘question’ others. This privilege includes the right to collect information from primary authentic sources, which are of use and importance to the society or the nation and then report the same in an unbiased and positive way with the aim to inform and not to create sensation and harm the public. Any direct or indirect interference from state, the owner or other sector is encroachment on its freedom to discharge its duties towards the society.

However to enjoy these privileges, Media is mandated to follow certain ethics in collecting and disseminating the information viz., ensuring authenticity of the news, use of restrained and socially acceptable language for ensuring objectivity and fairness in reporting and keeping in mind its cascading effect on the society and on the individuals and institutions concerned. You will all appreciate that while freedom of expression is no doubt a fundamental right; it has to be broadly guided and bound by societal duties and ethics.

This involved a sensitive balancing act to protect the rights of individuals while exercising the right of expression As Albert Schweitzer, German Nobel Peace prize winning mission doctor and theologian had remarked “The first step in the evolution of ethic is a sense of solidarity with other human beings”.

Ethics is a code of values, which govern our lives, and are thus very essential for moral and healthy life. In the context of the press, "Ethics" may be described as a set of moral principles or values, which guide the conduct of journalism. The ethics are essentially the self-restraint to be practised by the journalists voluntarily, to preserve and promote the trust of the people and to maintain their own credibility and not betray the faith and confidence of the people.

The media all over the world has voluntarily accepted that code of ethics should cover at least the following areas of conduct

- Honesty and fairness; duty to seek the views of the subject of any critical reportage in advance of publication; duty to correct factual errors; duty not to falsify pictures or to use them in a misleading fashion
- duty to provide an opportunity to reply to critical opinions as well as to critical factual reportage
- appearance as well as reality of objectivity; some codes prohibit members of the press from receiving gifts'
- respect for privacy
- duty to distinguish between facts and opinion
- duty not to discriminate or to inflame hatred on such grounds as race, nationality, religion, or gender; some codes call on the press to refrain from mentioning the race, religion or nationality of the subject of news stories unless relevant to the story; some call for coverage which promotes tolerance
- duty not to use dishonest means to obtain information
- duty not to endanger people
- general standards of decency and taste
- duty not to prejudge the guilt of an accused and to publish the dismissal of charges against or acquittal of anyone about whom the paper previously had reported that charges had been filed or that a trial had commenced.

The freedom of the press has to be preserved and protected not only from outside interference but equally from those within: An internal mechanism for adherence to guidelines is sought to be ensured through mechanisms such as 'letters to the editor', internal Ombudsman, Media Council of peers and Media Watch Groups which

focus the wrongs committed by the media persons, journalists or the management. These measures not only ensure the accountability of the media and act as a brake on the arbitrary and unbridled use of power but also help to enhance the credibility of the press.

These ethics are not in the nature of control on the press but are necessary for fair and objective use of the press for maintaining freedom of speech and expression in true spirit. The mandate of the Press Council of India, as well as similar bodies across the world is to specifically promote the standards of the media by building up for it a code of conduct. It is to be appreciated that our legislation very wisely did not entrust on the council the task of 'laying down' a code of conduct.

For ethics cannot be mired down in a strait jacket. From their very nature, these broad principles cannot be treated cast-iron, absolute rules of law, rigidly applicable in all situations, under all circumstances. These are flexible, general principles, the range, reach and terrain of which are wider than those of law.

The sanction behind them is moral; the source of their motive-force is within the conscience of the media person concerned. The pronouncement and directions of the Council activate that conscience, and the principles articulated by it, act as lights that lead and guide the journalist along the path of ethical rectitude. Compiled in a compendium titled "Norms of Journalistic Conduct", they act as a reference guide in varying circumstances for the journalists.

Mahatma Gandhi, an eminent journalist is his own right once said

"The sole aim of journalism should be service. The newspaper press is a great power; but just as unchained torrent of water submerges the whole countryside and devastates crops, even so an uncontrolled pen serves but to destroy. If the control is from without, it proves more poisonous than want of control."

Challenges of Corruption

Corruption is an abuse of public resources or position in public life for private gain. The scope for corruption increases when control on the public administrators is fragile and the division of power between political, executive and bureaucracy is ambiguous. Political corruption which is sometimes inseparable from bureaucratic corruption tends to be more widespread in authoritarian regimes where the public opinion and the Press are unable to denounce corruption. The paradox of India, how-

ever, is that in spite of a vigilant press and public opinion, the level of corruption is exceptionally high. This may be attributed to the utter insensitivity, lack of shame and the absence of any sense of public morality among the bribe-takers. Indeed, they wear their badge of corruption and shamelessness with equal élan and brazenness. The increase of opportunities in State intervention in economic and social life has vastly increased the opportunity for political and bureaucratic corruption, more particularly since politics has also become professionalized.

Corruption today poses a danger not only to the quality of governance but is threatening the very foundations of our society and the State.

Corruption has flourished because one does not see adequately successful examples of effectively prosecuted cases of corruption. Cases, poorly founded upon, half-hearted and incomplete investigation, followed by a tardy and delayed trial confluence a morally ill-deserved but a legally inevitable acquittal. The acceptance of corruption as an inexorable reality has led to silent reconciliation and resignation to such wrongs. There needs to be a vital stimulation in the social consciousness of our . It is true that the present process of citizens – that is neither has a place in the personal nor social withdrawing the State from various sectors in which it should have never entered or in which it is not capable of performing efficiently may reduce the chances of corruption to some extent but even if we migrate to a free market economy, there has to be regulation of economy as distinct from restrictions upon the industrial activity. The requirements of governance would yet call for entering into contracts, purchases and so on.

Forms of Corruption

- **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
- **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 or 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.

Corruption and the Sout Asian Puzzle

Corruption happens everywhere. It has been at the center of election campaigns in Italy and the United Kingdom, led to the fall of governments in Japan and Indonesia, and resulted in legislative action in Russia and the United States. But, if corruption exists in rich, economically successful countries, why should South Asia be worried about it?

The answer is simple: South Asian corruption has four key characteristics that make it far more damaging than corruption in any other parts of the world.

- First, corruption in South Asia occurs up-stream, not down-stream. Corruption at the top distorts fundamental decisions about development priorities, policies, and projects. In industrial countries, these core decisions are taken through transparent competition and on merit, even though petty corruption may occur down-stream.

- Second, corruption money in South Asia has wings, not wheels. Most of the corrupt gains made in the region are immediately smuggled out to safe havens abroad. Whereas there is some capital flight in other countries as well, a greater proportion goes into investment. In other words, it is more likely that corruption money in the North Asia is used to finance business than to fill foreign accounts.
- Third, corruption in South Asia often leads to promotion, not prison. The big fish – unless they belong to the opposition – rarely fry. In contrast, industrialised countries often have a process of accountability where even top leaders are investigated and prosecuted. For instance, former Italian Prime Minister Bettino Craxi was forced to live in exile in Tunisia to escape extradition on corruption charges in Rome. The most frustrating aspect of corruption in South Asia is that the corrupt are often too powerful to go through such an honest process of accountability.
- Fourth, corruption in South Asia occurs with 515 million people in poverty, not with per capita incomes above twenty thousand dollars. While corruption in rich rapidly growing countries may be tolerable, though reprehensible, in poverty stricken South Asia, it is political dynamite when the majority of the population cannot, but to massive human deprivation and even more extreme income meet their basic needs while a few make fortunes through corruption. Thus corruption in South Asia does not lead to simply Cabinet portfolio shifts or newspaper headlines inequalities.
- Existence of power that could be grabbed, usurped, entrusted or otherwise available.
- Misuse of the power that often drives a wedge between intended and stated positions, for unintended benefits.

Corruption in India is a consequence of the nexus between bureaucracy, politics and criminals. It has been observed that in cities and villages throughout India, there is “mafia raj” consisting of municipal and other government officials, elected politicians, judicial officers, real estate developers and law enforcement officials, acquire, develop and sell land in illegal ways. Many state-funded construction activities in India, such as road building, are dominated by construction mafia, which are groupings of corrupt public works officials, materials suppliers, politicians and construction contractors.

Challenges faced by India in combating corruption are

(A) Willful abuse of office

There are four type of willful abuse of office-

- 1) Gross perversion of the Constitution and democratic institutions, including, willful violation of the oath of office: In some of those cases, the Supreme Court held individuals holding high office guilty of gross misconduct amounting to perversion of the Constitution. In such cases, except public opinion, political pressure and dictates of the conscience of the individual, there are no legal provisions to punish the perpetrators.
- 2) Abuse of authority unduly favoring or harming someone, without any pecuniary consideration or gratification: In such cases, often partisan interests, nepotism and personal prejudices play a role, though no corruption is involved in the restrictive, ‘legal’ sense of the term. Nevertheless, the damage done by such willful acts or denial of one’s due by criminal neglect have profound consequences to society and undermine the very framework of ethical governance and rule of law.
- 3) Obstruction or perversion of justice by unduly influencing law enforcement agencies and prosecution: Again in most such cases, partisan considerations, nepotism and prejudice, and not pecuniary gain or gratification, may be the motive. The resultant failure of justice undermines public confidence in the system and breeds anarchy and violence.

Combating corruption in the region is not just about punishing corrupt politicians and bureaucrats but about saving human lives. There are two dimensions of corruption. One is the exploitative corruption where the public servant exploits the helpless poor citizen. The other is collusive corruption where the citizen corrupts the public servant by a bribe because he gets financially better benefits. Collusive corruption depends on black money.”

Characteristics of Corruption

- Gap between group and individual interest.
- Two or more parties since one can hardly be corrupt with one’s own self.
- Consenting adults that have a common understanding.
- Benefit furtherance.

- 4) Squandering public money, including ostentatious official life-styles: In all such cases, there is neither private pecuniary gain nor specific gain or loss to any citizen. There is also no misappropriation involved. The public exchequer at large suffers and both public interest and citizens' trust in government are undermined.
- Each State Party shall endeavor to establish and promote effective practices aimed at the prevention of corruption.
 - Each State Party shall endeavor to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

(B) Collusive bribery

There are two types of bribery-

- a) **Coercive bribery**, where the bribe giver is a victim of extortion, he is compelled to pay for a simple service, because if he does not submit to the extortionary demands of the public servant, he ends up losing much more than the bribe. The delays, harassment, uncertainty, lost opportunity, loss of work and wages – all resulting from non-compliance with demands for a bribe – are so great that the citizen is sucked into a vicious cycle of corruption for day-to-day survival.
- b) **'Collusive bribery**, where the bribe-giver and bribe-taker together fleece society and the bribe giver is as guilty or even more guilty than the bribe-taker. These are cases of execution of substandard works, distortion of competition, robbing the public exchequer, commissions in public procurement, tax evasion by collusion, and causing direct harm to people by spurious drugs and violation of safety norms.

(C) Requirement of Sanctions for prosecutions

The PCA required prior sanction of the appropriate government for prosecution of serving public officials. The Amendment Act extends this protection of requirement of prior approval to any enquiry, inquiry or investigation prior to prosecution.

United Nations Convention against Corruption

International standard against corruption can be understood by United Nations Convention against Corruption which lays down in Article 5, some preventive anti-corruption policies and practices. They are:

- Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.
- States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this Article. That collaboration may include participation in international programs and projects aimed at the prevention of corruption.
- Companies can take internal steps to prevent it. They need a zero-tolerance policy towards bribery and corruption. And it must be enforced through specific anti-corruption measures.
- Companies also need an honest operating environment. So, governments must enforce international anti-bribery laws and conventions. This protects companies from corruption across borders and down supply chains.
- Fair and Transparent audit mechanisms with appropriate accountability systems with respect to all stakeholders must be installed to check cases of corruption in companies

Corruption in private sector

Corruption distorts markets and creates unfair competition. Companies often pay bribes or rig bids to win public procurement contracts. Many companies hide corrupt acts behind secret subsidiaries and partnerships. Or they seek to influence political decision-making illicitly. Others exploit tax laws, construct cartels or abuse legal loopholes. Private companies have huge influence in many public spheres. These are often crucial – from energy to healthcare. So it's easy to see how corruption in business harms taxpayers' interests.

Private sector corruption calls for a three-pronged approach:

Article 12 of UN Convention against Corruption, to which India is a signatory, deals with corruption in the private sector:

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.

2. Measures to achieve these ends may include, inter alia:

- a) Promoting cooperation between law enforcement agencies and relevant private entities;
- b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honorable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;
- c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;
- d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licenses granted by public authorities for commercial activities;
- e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure; and
- f) Ensuring that private enterprises, taking into account their structure and size have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

- a) The establishment of off-the-books accounts;
- b) The making of off-the-books or inadequately identified transactions;
- c) The recording of non-existent expenditure;
- d) The entry of liabilities with incorrect identification of their objects;
- e) The use of false documents; and
- f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.

4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.

Institutional Framework to Fight Corruption

The Administrative Vigilance Division of the Department of Personnel & Training is the nodal agency for dealing with vigilance and anti-corruption cases. Various institutions which are working at Union level are:

- The Central Vigilance Commission
- Vigilance Units in Ministries
- Central Bureau of Investigation

Central Vigilance Commission (CVC)

- The central vigilance commission was set up as per Santhanam Committee recommendation and it was accorded a statutory status following a judgment of Supreme Court in Vineet Jain v. Union of India through Central Vigilance Act, 2003.
- The CVC advises the Union Government on all matters pertaining to maintenance of integrity in administration.
- It exercises superintendence over the working of the Central Bureau of Investigation.

Vigilance Units in the Government of India

- All ministries /Departments in the Union government have a **chief vigilance officer** who heads the vigilance division of the organization concerned assisting and advising the secretary or Head of office in all matters related to vigilance.
- He also provides an organic link between his organization and the central vigilance commission on the one hand and his organization and the central bureau of investigation on the other.

Central Bureau of investigation (CBI)

- CBI is the principal agency of union government in anti-corruption matters. It derives its powers from the Delhi Special Police Establishment Act, 1946.
- It investigates all cases registered under the Prevention corruption act, 1988. It also investigates cases against state government officials if case is entrusted to CBI.
- It investigates all cases of economic offences and conventional crimes such as offences related to- internal security, espionage, sabotage and other offences under IPC and the laws notified under section 3 of the DSPE Act, 1946.

Vigilance systems in State Governments

- Some states have vigilance commissions and anti-corruption bureaus, others have Lokayuktas.
 - **Andhra Pradesh** has an anti-corruption bureau, a vigilance commission and a Lokayukta.
 - In **Tamil Nadu** the vigilance commissioner is a serving secretary to government and functions as secretary though he brings out an annual report in his capacity as Vigilance commissioner.
- In **union territory** the Chief Secretary himself acts as Vigilance Commissioner.
- Some states have adopted the pattern of the union government and set up internal vigilance organization with dual responsibility of reporting to the vigilance commissioner and the departmental head with subordinate units in offices of Heads of Departments and the districts reporting to higher formations and vigilance commissioner.

The Prevention of Corruption (Amendment) Act, 2018

The Prevention of Corruption Act, 1988 (PCA) was enacted to prevent corruption in public offices. In reality, after the Act's first passage in 1988, for almost 25 years, there has not been much change in the perception about India as a nation with high corruption levels, as measured by Transparency International's Corruption Perception Index (CPI). The CPI ranked India at a historical low of ninety-fifth rank in 2011 in the aftermath of the 2G and Commonwealth games scam revelations in 2010.

In 2017, owing to pro-governance policies, technology, automation of various government processes with public interface (e.g., passport, train tickets, public procurements such as e-tender/e-procurement/e-payments), India's rank improved to eighty-first position out of 180 countries. Though the score has improved over these years, in reality the corruption perception at the state, departmental and local municipality level remains largely unchanged.

Due to PCA's limited success, there was a need to introduce changes that could help make it more effective. The Prevention of Corruption (Amendment) Act, 2018 came into force on 26 July 2018, and seeks to bring the Indian anti-corruption legal framework in conformity with current international practices laid down by the United Nations Convention Against Corruption (UNCAC).

Key highlights of the Amendment Act



1. Definition of 'undue advantage' – Section 2 (d) of the Amendment Act

The Amendment Act has defined 'undue advantage' to mean any gratification whatever, other than legal remuneration, not being limited to gratifications measurable in monetary terms. Legal remuneration includes all remuneration permissible to be received by a public servant. This implies that even non-pecuniary or non-monetary considerations such as gifts and favours not estimable in money terms, are also covered under 'undue advantage'



2. Specified timeline for completion of trial for corruption cases — Section 4 (5) of the Amendment Act

The Amendment Act provides for the completion of trial for corruption cases by a special judge within a period of two years from the date of filing of case. Extension of time can be provided for six months at a time with reasons to be recorded in writing. However, total period for the trial should not exceed four years.

The amendment has been passed with the hope that the judiciary will make due efforts to complete trials within the stipulated period of two years. However, the Amendment Act does not specify the implications in case trials for corruption cases are not completed within the specified timeline. While it is also expected to be impressed upon the investigation agencies that investigations be completed and charge sheets of offences be filed within a reasonable time period, there are no punitive provisions to act as detriment for non-compliance and to ensure timely delivery of justice.



3. Persons liable for offering a bribe to public servants — Section 8 of the Amendment Act

The PCA did not have a separate provision for giver of bribe except for the abetment. Section 8 of the Amendment Act addresses the supply side of bribery and corruption as follows:

- Any person who gives/promises any undue advantage to another person to induce/reward a public servant for improper performance of a public duty — shall be punishable with imprisonment of up to seven years or fine or both
- This section shall not apply where the person has been compelled to give undue advantage and has reported to law enforcement agencies within seven days from date of giving such undue advantage

- It is not relevant whether such undue advantage has been received directly or through a third-party and whether the undue advantage has been received by the same person who is to perform or has performed the concerned public duty.

The above provisions under section 8 of Amendment Act are intended to curb collusive corruption where any person indulges in bribery to get undue advantages in taxation, regulatory matters and so on. However, in certain government departments where a culture of organised corruption has evolved, corruption may not be limited to junior functionaries.

Further, there is an apprehension that Commercial Organisations (CO) that report public servants who have demanded bribes will be victimised by government organisations. This is where the overall factors of institutional capacity and strength of the law enforcement, prosecuting authorities and judiciary become relevant. Compared to other developed countries, India still has a way to go as far as the autonomy, independence, capacity, and skill sets of various institutions is concerned, to adequately decide such cases on merit.



4. Corporate liability of CO — Section 9 of the Amendment Act

The Amendment Act defines CO and introduces the concept of corporate liability, covering all categories of CO. CO not only includes a company or partnership incorporated in India and carrying on business in India or outside India, but also a body or partnership incorporated or formed outside India but carrying on business in India.

Amended section 9 makes the CO guilty and punishable with fine if any person(s) associated with them gives/promises to give any undue advantage with the intent to (i) obtain/retain any business or (ii) obtain/retain an advantage in the conduct of business for such CO. Section 9(4) states that notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence under sections 7A, 8 and 9 shall be cognisable.

This amendment prevents a CO from taking the plea that such bribery and corruption instances are individual offences, except when it can prove that it had adequate compliance procedures and safeguards in place to

prevent its associated persons from such conduct. The Amendment Act has not defined adequate procedures, but has mandated the Central Government to formulate and prescribe guidelines to prevent persons associated with the CO from bribing any public servant.

Until the Central Government notifies guidelines on the adequate procedures, the CO operating in India may take guidance from similar guidance/notifications issued by international bodies or law enforcement agencies of other countries that have more developed anti-corruption legal frameworks, such as U.S., U.K. Some such guiding documents on what may be viewed as 'adequate procedures' include:

- Foreign Corrupt Practices Act, 1977 ('FCPA'): Resource Guide issued by Department of Justice (DoJ) and Securities Exchange Commission (SEC) in the U.S.
- Six Principles of Adequate Procedures defined under the U.K. Bribery Act, 2010
- Organisation for Economic Co-operation and Development (OECD) Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions
- OECD Good Practice Guidance on Internal Controls, Ethics and Compliance
- International Organisation for Standardisation (ISO) 37001



5. Granting sanctions for prosecutions – Section 17A of the Amendment Act

The PCA required prior sanction of the appropriate government for prosecution of serving public officials. The Amendment Act extends this protection of requirement of prior approval to any enquiry, inquiry or investigation prior to prosecution.

Accordingly, no police officer shall initiate any enquiry, inquiry or investigation against a current/former public servant for an alleged offence (where the alleged offence relates to recommendations made or decisions taken in the course of his official duties), without the prior approval of the employer government or in any other case,

by authority competent to remove him/her from such office (concerned authority). No such approval shall be required for arrests of public servants on the spot on charges of accepting or attempting to accept any undue advantage.

The Amendment Act requires the concerned authority to convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month. This amendment creates a concern about leakage of such information to the suspected officer(s) and manipulation or destruction of evidence.

This amendment may have a counter-productive effect in combating corruption as this provision may be misused as a mechanism by government departments/competent authorities to protect public servants from initiation of enquiry/inquiry/investigation proceedings as well as prosecution. In essence, this provision may result in enquiry/inquiry/investigation of only those public servants caught red-handed while accepting or attempting to accept any undue advantage.



6. Punishment provisions strengthened – Section 7, section 12 and section 14 of the Amendment Act

Punishment for offences by public servants has been increased from a minimum imprisonment term of six months to three years and from a maximum of five years to seven years, with or without a fine. Punishment for abetment of offences has also been increased by the same quantum.

Punishment for recurring offence has been increased from a minimum imprisonment term of two years to five years and from a maximum of seven years to 10 years, with or without a fine.

However, the Amendment Act has not specified the fines that could be levied on the CO found guilty of violations of the Amendment Act.



7. Attachment and Forfeiture of Property – Section 18A of the Amendment Act

The Amendment Act states that except as provided under the Prevention of Money Laundering Act, 2002, the provisions of the Criminal Law Amendment Ordinance, 1944, shall apply to the attachment or confiscation of money or property procured by means of an offence under this Act.

Summary of key offences and respective penalties/imprisonment under PCA, 1988

Sec	Offence	Description	Penalty/Punishment
S. 7	Relating to a public servant being bribed	Any public servant who takes an undue advantage from any person	Imprisonment of three years to seven years and also liable to a fine
S. 7A	Taking undue advantage to influence a public servant	Whoever accepts any undue advantage to induce a public servant to perform improperly	Cognisable offence — Imprisonment of three years to seven years and also liable to a fine
S. 8	Offence relating to bribing a public servant	Any person who gives any undue advantage to another person with intention to induce a public servant to perform improperly.	Cognisable offence — Imprisonment up to seven years or fine or both
S. 9	Offence relating to bribing a public servant by a CO	CO commits any of the offence, if any person associated with such organisation gives any undue advantage to a public servant.	Cognisable offence — CO shall be punished with a fine
S. 10	Person in charge of CO to be guilty of offence	If offence u/s. 9 is proved to have been committed with the consent or connivance of any director	Such person shall be liable to be proceeded against, and imprisonment of three years to seven years and a fine.
S. 11	Public servant obtaining undue advantage without consideration	If a public servant accepts an undue advantage without consideration from any person concerned in proceedings or business transacted or having connections with the official functions of themselves	Imprisonment of six months to five years and a fine

S. 12	Punishment for abetment of offences	Whoever abets any offence under this Act, whether or not that offence is committed in consequence of that abetment	Imprisonment of three years to seven years and a fine
S. 13	Criminal misconduct by public servant	Any public servant who commits criminal misconduct as defined under the Act	Imprisonment of one year to seven years and a fine
S. 14	Punishment for habitual offender	Whoever convicted of an offence, subsequently commits an offence under this Act	Imprisonment of five years to 10 years and a fine
S. 15	Punishment for attempt	Whoever attempts to commit an offence under section 13 (1) (a)	Imprisonment up to three years and a fine

The Whistleblowers Protection Act

Whistleblowing is defined as an act of disclosing information by an employee or any concerned stakeholder about an illegal or unethical conduct within an organization.

A whistleblower is a person who informs about a person or organization engaged in such illicit activity. The Law Commission of India in 2001, had recommended that, in order to eliminate corruption, a law to protect whistleblowers was necessary. It had drafted a bill as well to address this issue.

In 2004, in response to a petition filed after the infamous murder of NHA Official, the Supreme Court of India directed the Central government that, 'administrative machinery be put in place for acting on complaints from whistleblowers till a law is enacted.'

The government, in response, notified a resolution in 2004 named, 'Public Interest Disclosure and Protection of Informers Resolution (PIDPIR)'. This resolution gave the Central Vigilance Commission (CVC) the power to act on complaints from whistleblowers.

In 2007, the report of the Second Administrative Reforms Commission also recommended that a specific law needs to be enacted to protect whistleblowers. The UN Convention against Corruption to which India is a signatory (although not ratified) since 2005, encourages states to facilitate reporting of corruption by public officials and provide protection for witnesses and experts against retaliation.

The Convention also provides safeguards against victimization of the person making the complaint. To conform to such regulations, in 2011 Whistleblowers Protection Bill was proposed which finally became a law in 2014. The Companies Act, 2013, as well as the Securities and Exchange Board of India regulations have made it mandatory for companies to take notice of all such complaints.

The Whistleblower Protection Act, which was passed in May 2014, lays down the rules that protect whistleblowers in non-corporate cases. Under this Act, the Central Vigilance Commissioner has to receive complaints, review public disclosure requests and ensure that the complainants are protected. The Act stipulates imprisonment of up to two years and fine of up to Rs. 30,000 if the complaint is false. The government has proposed a few amendments to these rules.

Whistleblowers Protection Act, 2014.

- It protects people who bring to the notice of the authorities concerned allegations of corruption, wilful misuse of power or commission of a criminal offence against a public servant.
- The Whistleblowers Protection law has provisions for concealing the identity of a whistle-blower
- The law affords protection against victimisation of the complainant or anyone who renders assistance in an inquiry.
- This is critical as whistle-blowers are routinely subjected to various forms of victimisation, suspensions, withholding of promotions, threats of violence and attacks.

- The law empowers the competent authorities to accord them protection, which includes police protection and penalising those who victimise them
- The Whistleblowers Act overrides the Official Secrets Act, 1923 and allows the complainant to make public interest disclosure before competent authority even if they are violative of the later act but not harming the sovereignty of the nation.

Key highlights of the Amendment Act

- The act establishes a mechanism to receive complaints related to disclosure of allegations of corruption or wilful misuse of power or discretion, against any public servant, and to inquire or cause an inquiry into such disclosure.
- The act also provides adequate safeguards against victimization of the person making such complaints.
- It allows any person, including a public servant, to make a public interest disclosure before a Competent Authority. The law has elaborately defined various competent authorities. For instance, competent authority to complaint against any union minister is the Prime Minister.
- The law does not allow anonymous complaints to be made and clearly states that no action will be taken by a competent authority if the complainant does not establish his/her identity.
- The maximum time period for making a complaint is seven years.
- The act is not applicable to the Special Protection Group (SPG) personnel and officers, constituted under the Special Protection Group Act, 1988.
- Any person aggrieved by any order of the Competent Authority can make an appeal to the concerned High Court within a period of sixty days from the date of the order.
- Any person who negligently or malafidely reveals the identity of a complainant will be punishable with imprisonment for a term extending up to 3 years and a fine which may extend up to Rs 50,000.
- If the disclosure is done malafidely and knowingly that it was incorrect or false or misleading, the person will be punishable with imprisonment for a term extending up to 2 years and a fine extending up to Rs. 30,000.
- The Competent Authority prepares a consolidated annual report of the performance of its activities and submits it to the Central or State Government that will be further laid before each House of Parliament or State Legislature, as the case may be.
- In 2015, an amendment bill was moved that proposes, whistleblowers must not be allowed to reveal any documents classified under the Official Secrets Act of 1923 even if the purpose is to disclose acts of corruption, misuse of power or criminal activities. This dilutes the very existence of the 2014 Act.

RTI vs WBP

- The RTI Act seeks to provide information to people. While the WBP Act provides a mechanism for disclosures to be made to competent authorities within the government to enable inquiry into allegations of corruption and provide protection to whistleblowers.
- Conflating the two laws is inappropriate and would preclude genuine whistle-blowing in several scenarios.
- If the intention was to ensure that sensitive information pertaining to national security and integrity is not compromised, instead of carving out blanket exemptions, the government could have proposed additional safeguards for such disclosures such as requiring complaints to be filed using sealed envelopes to the competent authorities.

Ombudsman- (Lokpal and Lokayuktas)

An ombudsman is an official, usually appointed by the government, who investigates complaints (usually lodged by private citizens) against businesses, financial institutions, or government departments or other public entities, and attempts to resolve the conflicts or concerns raised, either by mediation or by making recommendations.

Ombudsmen may be called by different names like public advocate or national defender. In India the term Lokpal and Lokayuktas are used to for the office of National and State Ombudsman respectively.

How an Ombudsman Works?

Depending on the jurisdiction, an ombudsman's decision may or may not be legally binding. Even if not binding, the decision typically carries considerable weight. When appointed, the ombudsman is typically paid via levies and case fees. An ombudsman typically has a broad man-

date that allows him or her to address overarching concerns in the public, and sometimes the private, sector.

However, sometimes an ombudsman's mandate extends over only a specific sector of society—for example, a children's ombudsman may be tasked with protecting the rights of the young people of a nation, while in Belgium, the various linguistic and regional communities have their own ombudsmen. In the United States, members of the United States Congress serve as ombudsmen at the national level, representing the interests of their constituents and maintaining staff tasked with advocating for constituents faced with administrative difficulties, especially those caused by maladministration.

Ombudsmen are in place across a wide variety of countries and organizations within those countries. They may be appointed at a national or local level, and are often found within large organizations too. They may focus exclusively on and deal with complaints regarding a particular organization or public office, or they may have wider ranges.

For example, an industry ombudsman such as a consumer or insurance ombudsman may deal with consumer complaints about unfair treatment the consumer has received from a private company that operates within that industry. Often—and especially at the government level—an ombudsman will seek to identify systemic issues that can lead to widespread rights violations or poor quality of service to the public by the government or institution in question.

A large public entity or other organization may have its own ombudsman. (For example, the California Department of Health Care Services has its own ombudsman.) Depending on the appointment, an ombudsman may investigate specific complaints about the services or other interaction a consumer has had with the entity concerned; an ombudsman within an organization may also have a primary function of dealing with internal issues (such as complaints by employees, or, if an educational institution, complaints by its students).

Historical background regarding the office of Ombudsman

In 1809, the institution of ombudsman was **inaugurated officially in Sweden**. In the 20th century, Ombudsman as an institution developed and grew most significantly after the Second World War. **New Zealand and Norway adopted this system in the year 1962** and it proved to be of great significance in spreading the concept of the ombudsman. In 1967, on the recommendations of

the **Whyatt Report of 1961, Great Britain adopted the institution of the ombudsman** and became the first large nation in the democratic world to have such a system. In 1966, Guyana became the first developing nation to adopt the concept of the ombudsman. Subsequently, it was further adopted by Mauritius, Singapore, Malaysia, and India as well.

In India, the concept of constitutional ombudsman was **first proposed by the then law minister Ashok Kumar Sen in parliament in the early 1960s**. The term Lokpal and Lokayukta were **coined by Dr. L. M. Singhvi. In 1966, the First Administrative Reforms Commission recommended the setting up of two independent authorities-** at the central and state level, to look into complaints against public functionaries, including MPs.

In 1968, Lokpal bill was passed in Lok Sabha but lapsed with the dissolution of Lok Sabha and since then it has lapsed in the Lok Sabha many times. Till 2011 eight attempts were made to pass the Bill, but all met with failure. In 2002, the Commission to **Review the Working of the Constitution headed by M.N. Venkatachaliah recommended the appointment of the Lokpal and Lokayuktas**; also recommended that the PM be kept out of the ambit of the authority.

In 2005, the **Second Administrative Reforms Commission chaired by Veerappa Moily** recommended that the office of Lokpal should be established without delay. In 2011, the government formed a Group of Ministers, chaired by Pranab Mukherjee to suggest measures to tackle corruption and examine the proposal of a Lokpal Bill.

“India Against Corruption movement” led by Anna Hazare put pressure on the United Progressive Alliance (UPA) government at the Centre and resulted in the passing of the Lokpal and Lokayuktas Bill, 2013, in both the Houses of Parliament. It received assent from President on 1 January 2014 and came into force on 16 January 2014.

The Lokpal

The Lokpal and Lokayukta Act, 2013 provides for the establishment of Lokpal for the Union and Lokayukta for States. They perform the function of an “ombudsman” and inquire into allegations of corruption against certain public functionaries and for related matters.

Constitution and Structure

- Lokpal is a multi-member body that consists of one chairperson and a maximum of 8 members.
- Chairperson of the Lokpal should be either the former Chief Justice of India or the former Judge of Supreme Court or an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.
- Out of the maximum eight members, half will be judicial members and minimum 50% of the Members will be from SC/ ST/ OBC/ Minorities and women.
- The judicial member of the Lokpal either a former Judge of the Supreme Court or a former Chief Justice of a High Court.
- The non-judicial member should be an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.
- The **term of office for Lokpal Chairman and Members is 5 years or till the age of 70 years.**
- The **members are appointed by the president** on the recommendation of a Selection Committee.
- The selection committee is composed of the Prime Minister who is the Chairperson; Speaker of Lok Sabha, Leader of Opposition in Lok Sabha, Chief Justice of India or a Judge nominated by him/her and One eminent jurist.
- For selecting the chairperson and the members, the selection committee constitutes a search panel of at least eight persons.

Lokpal Search Committee

- Under the Lokpal Act of 2013, the DoPT is supposed

to put together a list of candidates interested to be the chairperson or members of the Lokpal.

- This list would then go to the proposed eight-member search committee, which would shortlist names and place them before the selection panel headed by the Prime Minister.
- The selection panel may or may not pick names suggested by the search committee.
- In September 2018, the government had constituted a search committee headed by former Supreme Court judge Justice Ranjana Prakash Desai.
- The 2013 Act also provides that all states should set up the office of the Lokayukta within one year from the commencement of the Act.

Lokpal Jurisdiction and Powers

- Jurisdiction of Lokpal **includes Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.**
- Jurisdiction of the Lokpal included the Prime Minister except on allegations of corruption relating to international relations, security, the public order, atomic energy and space.
- The Lokpal does not have jurisdiction over Ministers and MPs in the matter of anything said in Parliament or a vote given there.
- Its jurisdiction also includes any person who is or has been in charge (director/ manager/ secretary) of anybody/ society set up by central act or any other body financed/ controlled by central government and any other person involved in act of abetting, bribe giving or bribe taking.
- The Lokpal Act mandates that all public officials should furnish the assets and liabilities of themselves as well as their respective dependents.
- **It has the powers to superintendence over, and to give direction to CBI.** If Lokpal has referred a case to CBI, the investigating officer in such case cannot be transferred without the approval of Lokpal.
- The Inquiry Wing of the Lokpal has been **vested with the powers of a civil court.**
- Lokpal has **powers of confiscation of assets, proceeds, receipts and benefits arisen or procured by means of corruption** in special circumstances.

- Lokpal has the **power to recommend transfer or suspension of public servant** connected with allegation of corruption.
- Lokpal has the **power to give directions to prevent the destruction of records** during the preliminary inquiry.

The Lokpal and Lokayuktas (Amendment) Bill, 2016

- This Bill was passed by Parliament in July 2016 and it amended the Lokpal and Lokayukta Act, 2013.
- It **enables the leader of the single largest opposition party in the Lok Sabha to be a member of the selection committee** in the absence of a recognized Leader of Opposition.
- It also **amended section 44 of the 2013 Act** that deals with the provision of furnishing of details of assets and liabilities of public servants within 30 days of joining the government service. The Bill replaces the time limit of 30 days, now the public servants will make a declaration of their assets and liabilities in the form and manner as prescribed by the government.

What has changed?

The Lokpal act requires a public servant to declare his assets and liabilities, and that of his spouse and dependent children. Such declarations must be made to the competent authority within 30 days of entering office. Further, the public servant must file an annual return of such assets and liabilities by July 31st of every year. The Lokpal Act also mandates statements of such declarations be published on the website of the relevant Ministry by August 31 of that year. The Bill replaces these provisions to state that a public servant will be required to declare his assets and liabilities. However, the form and manner of making such a declaration will be prescribed by the central government.

- It also gives an extension of the time given to trustees and board members to declare their assets and those of their spouses in case of these are receiving government funds of more than Rs. 1 crore or foreign funding of more than Rs. 10 lakh.

Limitations of the Office of Lokpal

- The institution of Lokpal has tried to bring a much needed change in the battle against corruption in the administrative structure of India but at the same

time, there are loopholes and lacunae which need to be corrected.

- Five years have passed since the Lokpal and Lokayuktas Act 2013 was passed by parliament, but not a single Lokpal has been appointed till date indicating the **lack of political will**. The Lokpal act also called upon states to appoint a Lokayukta within a year of its coming to force. But only few states have established the Lokayukta.
- Lokpal is **not free from political influence** as the appointing committee itself consists of members from political parties.
- The appointment of Lokpal can be manipulated in a way as there is no criterion to decide who is an 'eminent jurist' or 'a person of integrity'.
- The 2013 act **did not provide concrete immunity to the whistle blowers**. The provision for initiation of inquiry against the complainant if the accused is found innocent will only discourage people from complaining.
- The biggest lacuna is the **exclusion of judiciary from the ambit of the Lokpal**.
- The Lokpal is **not given any constitutional backing** and there is no adequate provision for appeal against the Lokpal.
- The specific details in relation to the appointment of Lokayukta have been left completely on the States.
- To some extent, the need for functional independence of the CBI has been catered to by a change brought forth in the selection process of its Director, by this Act.
- The complaint against corruption cannot be registered after a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.

Prime Minister under Lokpal

According to the Lokpal and Lokayukta Act 2013, the PM comes within the jurisdiction of Lokpal but Lokpal will not inquire the PM if the allegation of corruption is related to international relations, external and internal security, public order, atomic energy and space. Further, allegation against Prime Minister can be taken up for inquiry only when the two conditions as follows are satisfied:

- Full bench of the Lokpal consisting of its Chairperson and all Members considers the initiation of inquiry
- At least two-thirds of its members approves of such inquiry
- Such inquiry against the Prime Minister will be done in camera. If the Lokpal concludes that the allegation is false and the inquiry should be dismissed, the records of the inquiry shall not be published or made available to anyone.
- Monitoring and vigil in a decentralized fashion should be introduced.
- Shortages should be eliminated.
- Areas which affect vulnerable sections of the society should be targeted on priority. Citizen centric services should be introduced. Outsourcing should be promoted. Delivery systems in education, health etc should be re-engineered.

In order to tackle the problem of corruption, the institution of the ombudsman should be strengthened both in terms of functional autonomy and availability of manpower. Greater transparency, more right to information and empowerment of citizens and citizen groups is required along with a good leadership that is willing to subject itself to public scrutiny.

Appointment of Lokpal in itself is not enough. The government should address the issues based on which people are demanding a Lokpal. Merely adding to the strength of investigative agencies will increase the size of the government but not necessarily improve governance. The slogan adopted by the government of "less government and more governance", should be followed in letter and spirit.

Moreover, Lokpal and Lokayukta must be financially, administratively and legally independent of those whom they are called upon to investigate and prosecute. Lokpal and Lokayukta appointments must be done transparently so as to minimize the chances of the wrong sorts of people getting in. There is a need for a multiplicity of decentralized institutions with appropriate accountability mechanisms, to avoid the concentration of too much power, in any one institution or authority.

What specific steps can be taken to reduce the incentives for corruption?

- The manner in which the laws are implemented needs to be re-structured. Knowledge about the laws among citizens has to be dealt with to bring transparency.
- Moral deprivation in the larger perspective and increased consumerism should also be addressed.
- Market forces with regulatory mechanism should be brought to play wherever large public enterprises, large delivery systems, high technology and foreign investments are involved.
- Ministries with high risk should have in-house arrangement to review procedures.
- Village records should be accessible.
- Internal supervision should be the primary responsibility of the Head of the Department.
- There should be transaction and process audit rather than concentrating on financial audit.
- There is no accountability on the part of the auditors. The whole functioning of the CAG would have to be revamped.
- The **State Vigilance Commissions/Lokayuktas** may be empowered to supervise the prosecution of corruption related cases.
- The investigative agencies should acquire **multi-disciplinary skills** and should be thoroughly conversant with the working of various offices departments. They should draw officials from different wings of government.
- **Modern techniques** of investigation should also be deployed like electronic surveillance, video and audio recording of surprise inspections, traps, searches and seizures.
- A reasonable **time limit** for investigation of different types of cases should be fixed for the investigative agencies.
- There should be **sustained step-up** in the number of cases detected and investigated. The priorities need to be reoriented by focussing on 'big' cases of corruption.
- The **prosecution of corruption cases** should be conducted by a panel of lawyers prepared by the Attorney General or the Advocate General in consultation with Lokpal or Lokayukta as the case may be.

How to Make Anti-corruption Institutions more effective?

- The anti-corruption agencies should conduct **systematic surveys of departments** with particular reference to highly corruption prone ones in order to gather intelligence and to target officers of questionable integrity.
- The **Lokpal** should be given adequate powers to deal with cases of corruption.
- Offices having large public interface should have an online complaint tracking system. If possible, this task of complaint tracking should be outsourced.
- There should be an external, periodic mechanism of 'audit' of complaints in offices having large public interface.

Citizens' Initiatives:

- Citizens' Charters should be made effective by stipulating the service levels and also the remedy if these service levels are not met.
- Citizens may be involved in the assessment and maintenance of ethics in important government institutions and offices.
- Reward schemes should be introduced to incentivise citizen's initiatives.
- School awareness programmes should be introduced, highlighting the importance of ethics and how corruption can be combated.

Role of Media:

- It is necessary to evolve norms and practices requiring proper screening of all allegations/complaints by the media, and taking action to put them in the public domain.
- The electronic media should evolve a Code of Conduct and a self regulating mechanism in order to adhere to a Code of Conduct as a safeguard against malafide action.
- Government agencies can help the media in the fight against corruption by disclosing details about corruption cases regularly.

Social Audit:

Operational guidelines of all developmental schemes and citizen-centric programs should provide for a social audit mechanism.

Using Information Technology:

- Each Ministry/Department/Organization of Government should draw up a plan for use of IT to improve governance. In any government process, use of Information Technology should be made only after the existing procedures have been thoroughly re-engineered.

MULTI-PRONGED STRATEGY FOR COMBATING CORRUPTION

An ecological approach to the understanding of the sources and dynamics of corruption presupposes a multi-pronged strategy of containing corruption in public life. It is not possible in any short treatise to dwell upon all the possible strategies for combating corruption, since a holistic analysis would demand a focus on socio-cultural, economic, political, administrative, legal, judicial and even technological aspects of reforms in the governance system.

The following steps can be useful in fighting corruption

- Socio-cultural transformation is the key to any change in the ethical conduct of political and administrative leadership and even the people at large.
- Election system needs reforms. It has' to be made less expensive and more rational. Donations to political parties should be made more transparent and laws governing political parties should be made stricter.
- People with high integrity alone should be recruited by political parties for membership and leadership positions.
- The system of transfers should be regulated by law and the scope of arbitrariness in promotions and in disciplinary action should be minimized.
- In governmental decision-making involving appointments, grants, privileges, subsidies and other benefits, discretion should be minimized.

To mitigate the adverse impact of politician-administrator nexus, important decisions, particularly those having high financial stakes and implications, should be taken or reviewed at the level of the Chief Secretary, Chief Minister, Cabinet Secretary, Prime Minister and the Cabinet.

ETHICS

UNIT-7

SAMPLE CASE STUDIES

1. You are the **Chief Medical Officer (CMO)** in a particular district which is presently under the grip of **Novel Coronavirus** (Covid-19). The virus has reached its community transfer phase and therefore the district has been kept under the Red Zone (most vulnerable) category. However amidst the corona crisis, a certain section of population in the district has not followed the social distancing norms prescribed by the state government, which has contributed to rapid increase in the number of daily positive cases. Hence the state government has ordered you to ensure a speedy eviction of that section of the population out of the district to control the spread of the virus. This order has created a kind of quandary for you as it goes against your basic ethical values of targeting a section of population and forcefully evicting them from the district. However if you fail to implement the order it will be considered as dereliction of duty.

a) Under such circumstances highlight the possible options that are available to you.

b) What course of action would you follow under the given circumstances?

{250 Words} {20 Mrks}

Subject Matter	Facts	VALUES	STAKEHOLDERS
Health emergency and speedy eviction	<input type="checkbox"/> The virus has reached its community transfer phase. <input type="checkbox"/> social distancing norms flouted <input type="checkbox"/> State government has ordered for a speedy eviction. <input type="checkbox"/> Allegation of targeting a section of population	<input type="checkbox"/> Courage and Leadership. <input type="checkbox"/> Administrative acumen and thoughtfulness <input type="checkbox"/> Objectivity <input type="checkbox"/> Fiduciary responsibility. <input type="checkbox"/> Share and Care (Ubuntu Philosophy) <input type="checkbox"/> Rule of law and Its enforcement <input type="checkbox"/> Non-discriminatory treatment. <input type="checkbox"/> Public safety	<input type="checkbox"/> Chief Medical Officer <input type="checkbox"/> Section of Population. <input type="checkbox"/> District administration <input type="checkbox"/> State government.

a) Possible option available to me:

- a. Agree with state government order.
- b. Do not agree with state Government order against eviction.
- c. Taking the matter to District Magistrate and seek suggestion from superior.
- d. Strict implementation of Containment Red zone strategy.

b) Course of action to be followed:

- **Objective analysis of the situation of the district:** Taking help of Sarpanch, and others and local administration (Like Village Volunteer System of Andhra Pradesh) to conduct study to help the state trace people with travel history etc.
- **Speed up testing and awareness building:** Need to ramp up testing in order to have a hold over situation with help of ASHA and other mainstream health workers.
- **Enforce stringent lockdown rules in red zone:** Ask police administration and village volunteer committee to enforce strict stringent rules. If situation has become worst Chief Medical Officer can asked District Administration to enforce section 144 of IPC.
- **Impose quarantine at a village/Sarpanch level:** like Odisha It delegated sarpanchs with the powers of a district collector to impose quarantine at a village level. Impose quarantine at a village level for whom test results come positive.
- **Quick action measures:** The infected must be identified soonest and put in isolation. Their contacts must be traced rapidly and quarantined.
- **Defining the frontline:** The frontline is our communities, where virus can be contained, minimized and tackled.
- **Feasible precautionary measures:** Physical distancing, wearing masks, not having large gatherings etc. could be taken keeping in view social fabric, economic activities etc.
- **Constraints to be addresses:** Some constraints (no water to wash hand, physical distancing in urban slums) could be addressed through extra resources or support.
- **Creation of micro-containment zone strategy:** Small clusters will be sealed and it will help in checking people's movement inside the zone.

Conclusion: With courage, leadership and dedication to service and help of district administration we will able to tackle the situation without forceful eviction or any prejudice. Tough time require tough decision making capability and stick to your decision. Till that we should remember the quote "Arise, awake, and stop not till the goal is reached".

2. You are a senior IAS officer in-charge of the administration of a hill district in one of the Himalayan states. The district is renowned for adventure sports and mountaineering. Every year thousands of tourists visit the district and this is also one of the major sources of revenue for the state government. However trekking of a particular hill located in the district is open only for males and restricted for females, as the local population doesn't permit the entry of women to this hill on the grounds that it belongs to the local deity who is an eternal celibate. Recently a petition was filed against this unofficial ban and it was upheld by the high court of that state. Consequently several women's organisations have approached you to open the hill for females. You fear that any decision in favour of the demands, made by the women's groups, will not only hurt the sentiments of the locals but will also endanger the law and order situation in the district, which can ultimately cause a lot of problems for the visiting tourists.

a) Under the given scenario highlight the possible options that are available to you. Discuss the merits and demerits of all such options

b) What course of action would you follow under the given scenario and why? {250 Words} {20 Mrks}

Subject Matter	Facts	VALUES	STAKEHOLDERS
Gender Justice	<input type="checkbox"/> The district is renowned for adventure sports and mountaineering. <input type="checkbox"/> Tourists visit the district in thousands. <input type="checkbox"/> local deity who is an eternal celibate, does not allow entry of women for trekking a particular hill <input type="checkbox"/> High courts struck down the un official ban <input type="checkbox"/> Women group seeking help to open it.	<input type="checkbox"/> Social Morality vs. Constitutional morality <input type="checkbox"/> Social Influence and Persuasion <input type="checkbox"/> Courage and Leadership. <input type="checkbox"/> Administrative acumen and thoughtfulness. <input type="checkbox"/> Scientific Validity (Scientific temperament – as Fundamental duty's says so) <input type="checkbox"/> Peace and development <input type="checkbox"/> Promotion of Tourism	<input type="checkbox"/> Local population <input type="checkbox"/> Women organisations and group. <input type="checkbox"/> District administration <input type="checkbox"/> High courts <input type="checkbox"/> State

a) Option available to me :

1. Open the gate for women.
2. Don't open the gate for women and Ignore High court order.
3. Graded response according to situation.

Evaluation of each option:

● **Open the gate for women:**

- ✓ **Merit:** It shows implementing court order, Justice seen to be done to women. It shows leadership and courage to fight against the social morality which is against constitutional values.
- ✓ **De Merit:** It may create resentment in the society. Any law and order problem might create problem to Tourism industry.

● **Don't open the gate for women and Ignore High court order:**

- ✓ **Merit:** It will stop the resentment, law and order situation could be under control. The religious faith of celibate deity could be preserved. It also shows the state should not interfere in all the wrongs to be corrected otherwise there would not have any social morality.

- ✓ **De Merit:** Disavowed court order, Equality before law (Should avail to Women). Why should women because of their sex prevent them from allowing into temple?

- **Graded response according to situation:**

- ✓ **Merit:** It will give time to think of implementing plan, solace local sentiments, preserve tourism potential etc.
- ✓ **De merit:** Instant justice not available to Women, Protest may continue.

Course of action I would follow under the given scenario and reason:

Course of action	Reason for such action
Gather local intelligence about the High court order and any resentment in the society.	It will help in objective evaluation of situation.
Talk to police administration	For necessary arrangement of force if any untoward incident happens.
Talk to local leader , religious dignitaries	About gender discriminatory practices, Constitutional values, Real purpose of religion, High court order etc. using persuasion to influence them in creating counter Ideology.
Talk to women groups who seeks justice	Ensure them Justice be available but with keeping in mind Law and order, Peace etc.
Implement court order in Graded manner	With making confidence all the stakeholder, the district administration should implement the court order with precaution.
Tourism promotion	Seeking help of religious leaders, the district administration may think of making the place religious tourism /Cultural tourism which not only employ youth but also promote tolerance.

3. You are a CEO in a reputed multinational firm. One day you discover that one of your subordinates is infected with human immunodeficiency virus. Before you could take any appropriate notice of the news, it has already evolved as a matter of discussion amongst other members of the organisation. There is a certain section of employees in your organisation, who fear that the continued presence of the infected employee might lead to other members of the organisation getting contaminated with the virus. Hence this section of employees has submitted a proposal to you asking for the suspension, termination or transfer of the affected employee. On receiving such notice you try to counsel the apprehensive section of the employees that HIV does not spread through contact, but they are so skeptic and scared that they refuse to even listen to your reasoning and declare that they shall not return to work unless the infected employee is sacked, transferred or suspended. Your organisation is under tremendous work pressure as some important projects are to be finished within a deadline. If your organisation fails to complete these projects on time, it may have devastating financial consequences for the entire organisation. Thus under such situation you cannot afford any rebellion from any section of the employees.

a) How would you tackle such an imperious situation?

{250 Words} {20 Mrks}

b) What decisions would you make under the given scenario?

Subject Matter	Facts	VALUES	STAKEHOLDERS
Discrimination at work-place because of prejudice related with HIV infected employee.	<input type="checkbox"/> Employees asking for the suspension, termination or transfer of the affected employee (HIV)	<input type="checkbox"/> Dignified Life and Livelihood	<input type="checkbox"/> Infected employee
	<input type="checkbox"/> Tremendous work pressure due to project need to be completed within deadline	<input type="checkbox"/> Emotional intelligence	<input type="checkbox"/> Other employee
	<input type="checkbox"/> HIV and AIDS (Prevention and Control) Act 2017 - The Act lists various grounds on which discrimination against persons with HIV is prohibited	<input type="checkbox"/> Persuasion	<input type="checkbox"/> Management
		<input type="checkbox"/> Courage and Leadership.	<input type="checkbox"/> CEO
		<input type="checkbox"/> Administrative acumen and thoughtfulness	
		<input type="checkbox"/> Scientific Validity (Scientific temperament – as Fundamental duty's says so)	
		<input type="checkbox"/> Share and Care (Ubuntu Philosophy)	
		<input type="checkbox"/> Inclusive work culture	

The situation shows discrimination and prejudice involve with the HIV infected patients in general and work culture in particular. In latest estimation 4 million people infected with HIV, India is thought to be the country with the largest number of HIV-infected people in the world.

A. How to tackle such situation:

- **Showing scientific temperament:** Our constitution repose certain fundamental duty on citizens – (To develop scientific temper, humanism and the spirit of inquiry and reform.) the worker must develop that

scientific temperament. **If necessary the worker could be addressed by the Company's medical practitioner about HIV spreads etc.**

- **Addressing attitudinal problem:** There is no guarantee that co-workers will not discriminate against the infected person in another department. Moreover, by transferring or by suspension, or by termination of the infected person the CEO will not eliminate the issue at hand, which is ensuring there is no workplace discrimination (**Against Kantian Categorical Imperative – It's a moral duty to act in right fashion**).
- **No further victimization:** As a CEO I will ask other employee to have compassion and care for the infected employee (as they are already dealing with the health and financial pressures). I will remind them about **M.K Gandhi's quote "Don't do to others what you would not want done to yourself"**.
- **It is time to show leadership:** The team need to inspire the employees about their importance in the company, deadline of finishing task otherwise company has to face devastating financial consequences.
- **It is against Law of the land:** I will aware the other employee about the HIV and AIDS (Prevention and Control) Act 2017 that lists various grounds on which discrimination against persons with HIV is prohibited.

B. Course of Action:

1. Seek explanation from colleagues about their apprehension about infected person in written. There must be fairness in the decisions of management otherwise it will lower the morale of other employees.
2. Take strict action against employees who are not willing to return to work (Punitive action like Leave without pay, potential of Job loss etc.).
3. **Lead from the front:** I will also make it a point to socialize with the infected employee in the workplace, whenever feasible, to set an example for other workers.
4. Request the HR department to ensure through the **code of conduct** that there is no discrimination against HIV patients.
5. Further, to bring attitudinal change in employees, the management of the company can undertake various activities such as:
 - ✓ Arrange lecture sessions and workshops for employees by **NGOs working** in the field of eliminating discriminations against HIV patients.
 - ✓ Undertake **CSR activities** for the welfare of HIV patients and involving company's employees in them. It will sensitize them about the people suffering from AIDS.

Conclusion: Social discrimination against HIV patients should not be tolerated as they are already dealing with the health and financial pressures of contracting the disease. It is everyone's moral responsibility to destigmatize the disease and treat HIV patients normally. We should promote the **philosophy of Ubuntu "I am because of we are and they are because of we are"**.

4. A seasoned notorious gangster who has indulged in several heinous crimes was recently arrested by the Police for killing several policemen in an ambush. After his arrest a police team was put in-charge for transferring the gangster to the district headquarters for his attendance before a judicial magistrate. However en-route the vehicle in which the hideous criminal was seated skidded and toppled. Taking advantage of the chaos the criminal wriggled out of the vehicle and pounced on one of the policemen and snatched his weapon. Thereupon he opened fire and tried to flee from the spot. The officer-in-charge of the police team raised several warnings and pleaded the criminal to drop his weapon and surrender immediately. However the criminal refused his command and continued reckless firing in every direction. Finding no other alternative the officer-in-charge ordered his police team to open fire on the criminal. Soon the police team gunned the criminal down in an encounter.

Given the above situation, consider the following questions:

- a) What are the moral issues involved in this situation?
- b) How would you defend your actions if you are the officer-in-charge who ordered the encounter of the criminal?

{250 Words} {20 Mrks}

Subject Matter	Facts	VALUES	STAKEHOLDERS
Extra Judicial Killings	<input type="checkbox"/> Gangster recently arrested by the Police for killing several policemen in an ambush. <input type="checkbox"/> Police team gunned the criminal down in an encounter due to escape. <input type="checkbox"/> Similar case happened in Disha case.	<input type="checkbox"/> Rule of Law <input type="checkbox"/> Criminal Justice system – Notion of innocence until proven guilty. <input type="checkbox"/> State social contract obligation to protect individual <input type="checkbox"/> Smart Policing <input type="checkbox"/> Accountability <input type="checkbox"/> Truth as Virtue <input type="checkbox"/> Human rights <input type="checkbox"/> Justice as fairness	<input type="checkbox"/> State <input type="checkbox"/> Police administration <input type="checkbox"/> gangster <input type="checkbox"/> Society

A. Moral issues involved in this situation:

- 1. State social contract obligation:** To protect individual (Gangster and Police) and failure to do so.
2. Role of Judiciary to uphold rule of law is questionable?
- 3. Justice as fairness (Rawls):** It violated fair procedure and notion of criminal justice system (“Hurried justice is buried Justice”).
- 4. Accountability of police:** Whether the sovereign power was misused by them or not is questionable (“Caesar’s wife must be above suspicion”).
- 5. Police reform:** It also suggest the dire need of police reform as the gangster killed several policemen in an ambush. How could a criminal wriggled out of the vehicle while these vehicle guarded by heavily equipped police personnel.
- 6. Socio economic background:** Why did in a civilized society such gangster appear in our society? Is it linked to other aspects like criminalization of politics etc?

7. Is it a good solution for Police? Does police explore other way to tackle the situation? Does it test the moral ground of **categorical Imperative**?
8. Society should not be deprived of the Truth, People have every right to know fact of the case (Indian emblem talk about “**Truth Alone Triumphs**”).

Utilitarian perspective	Deontology perspective	Virtue ethics perspective
<input type="checkbox"/> Killing might be permissible to reduce pain and maximise pleasure for greater number.	<input type="checkbox"/> The act of police can't become a universal act (Against categorical Imperative) <input type="checkbox"/> Duty of police is questionable.	<input type="checkbox"/> Justice is cardinal principle, It should be through fair procedure <input type="checkbox"/> Rights of criminal

B. How would you defend your actions if you are the officer-in-charge who ordered the encounter of the criminal?

- **It is legally right steps:** The police force has the right to injure or kill the criminal, for the sole and only purpose of self-defense or where it is imminently necessary for the maintenance of peace and order.
- **Act as per SOP:** Sometimes desperate situation need desperate action rather no action. The police acted as per standard operating procedure available to them.
- **Even it is morally permissible:** Teleological ethics allow such action for greater happiness in the society.
- **Post encounter:** Police is also available for highest level of scrutiny. Police followed 16 point guidelines as the standard procedure that was laid down by Supreme Court in PUCL vs. State of Maharashtra case (2014).

Way forward: Police must be held accountable for its action. The country need dire police reform where police are more intelligent, smart enough to avoid such incident. It is also true that “every saint has a past and every sinner has a future” considering this the society must strives for minimum crime or a less crime free society.



5. You hail from an extremely backward and remote district of the country. There is almost complete absence of quality infrastructure, modern institutions of learning and basic civic amenities in the district. However against all odds, due to your sheer hard work and indefatigable spirit you have cleared the prestigious Civil Services Examination. Consequently the entire district is jubilant and ecstatic due to your extra-ordinary feat. Your selection has given them confidence and hope regarding their future. Allured by the possibility of carving out a good life for themselves a group of boys have visited your home to learn from your experience. Suddenly a young boy who is enormously impressed by your achievement rushes into the room where you are taking rest to have a personal interaction with you. Your grandmother, who is a ninety year old woman, seeing the boy inside the room yells at him and asks him to leave immediately. She also hurls abuses at him for entering your house. You are bewildered and perplexed at this behaviour of your grandmother and on inquiry you find out that the sole reason for such indecent behaviour was the “so-called” lower caste of the young boy. The community to which the boy belongs is considered lesser or inferior by the “so-called” higher sections of the society. The community faces social sanctions and there are severe restrictions on inter-dining and inter-marriages between that community and other communities.

Your grandmother has committed an offence under section 7(1) of the Protection of Civil Rights Act, 1955. It is also an offence under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

Given the above situation, consider the following questions:

a) What are the moral issues involved in this situation?

{250 Words} {20 Mrks}

b) What steps would you take under such circumstances and why?

Subject Matter	Facts	VALUES	STAKEHOLDERS
Caste discrimination	<input type="checkbox"/> The district lacked quality infrastructure, modern institutions of learning and basic civic amenities. <input type="checkbox"/> Ninety year old grandmother abuses at a person for entering his house. <input type="checkbox"/> The community faces social sanctions. <input type="checkbox"/> Protection of Civil Rights Act, 1955 <input type="checkbox"/> Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989	<input type="checkbox"/> Fiduciary responsibility <input type="checkbox"/> Equality <input type="checkbox"/> Abolition of untouchability <input type="checkbox"/> Liberty <input type="checkbox"/> Social justice <input type="checkbox"/> Democratic rights (Non-discrimination) <input type="checkbox"/> Conflicting values: Dominance vs. Equality <input type="checkbox"/> Castes values vs. Societal value <input type="checkbox"/> Social morality vs. Constitutional morality	<input type="checkbox"/> Myself <input type="checkbox"/> Grandmother <input type="checkbox"/> Society (Upper caste and Lower caste) <input type="checkbox"/> State

a) Moral issues involved in this situation:

- Castes values vs. Societal value – Whom shall I prefer?
- Do I have certain fiduciary responsibility to eradicate the caste discrimination?
- Shall I made complaints against my old Grandmother in police station? How do I correct my Grandmother and other member of the society?
- Do people have awareness about the constitutional values, Laws etc.? Whose duty is this to aware people about non-discriminatory treatment?

- Should the upper caste community be blamed for their assertiveness in a free democratic society?
- Goats are used for sacrificial offerings and not lions - why did the community faces social sanctions and severe restrictions on inter-dining and inter-marriages? Why don't administration so far take steps to end it?
- Does state have certain social contract obligation to bring an end to the menace after 75 years of independence?

b) Steps would you take under such circumstances and why

Steps	Reason
1. Inquiry and informal talk with members of lower caste and upper caste communities.	Helps in objective evaluation of the situation at ground.
2. Talk to my Grandmother about her action.	This would clear the doubt and understand the real reason for not allowing the boy to enter the room.
3. Aware grandmother about her action may be punishable offence.	Considering her age (90 years), it might be possible she do not have necessary awareness about such laws .
4. Lead by example	Invite the boy again and talk to him in front of other member of the society as well as upper caste.
5. Identify influential people from each communities and try to influence them through persuasion.	Talk to them about the matter of caste discrimination, constitutional values, Human right etc.
6. Work with local administration , Ngo and Sarpanch leader etc.	To spread the awareness about non-discriminatory treatment , constitutional rights of equality , dignity etc.
7. Super ordinate goals	Fair, Sports can be organised with mixing community member from both the community in order to develop bonds, solidarity, equality of treatment etc.
8. Formation of Joint committee	To look into the matter of discrimination in future.
9. Starting a social movement in line with "Black lives matter".	Movement from cross section of society (especially from upper class) is very much necessary for bringing lasting change in the society.

Conclusion: Right, which is guaranteed by law but is opposed by the society, is of no use at all. Therefore, it is important to ensure progressive change in the society in congruence with the progressive legislations. Bringing social sensitization by awareness building and imparting education can help ensure social liberty for all sections of the society.

6. Very recently you have been appointed as a **Junior Secretary** in the **Hockey Federation**. One day the **Chief Executive Officer (CEO)** of the Federation calls you and other secretaries for a meeting. On your arrival you find that the meeting would be chaired by the local **Member of Parliament (MP)**. In the meeting while assessing the progress of various initiatives made by the federation, the MP asks you and others present in the meeting to contribute **Rs. 1, 50,000/-** each towards **building a Stadium** for the benefit of the **Under-19 hockey team**. He says that as everyone is taking bribe there is no harm in donating few thousands of rupees for building sports facilities for the youngsters. To your dismay, you find everyone including the CEO obliging the MP's call and agreeing to the proposal.

a. Discuss the various ethical issues involved in this case

b. Discuss the various options available to you under such circumstances. Examine the merits and demerits of all such options. Choose the best possible option giving reasons.

{250 Words} {20 Mrks}

Subject Matters	Stakeholders	Facts	Values
Prevailing notion of corruption	<input type="checkbox"/> Hockey federation <input type="checkbox"/> CEO <input type="checkbox"/> Me as Junior secretary <input type="checkbox"/> local Member of Parliament <input type="checkbox"/> Government/sports ministry.	<input type="checkbox"/> Need for building stadium for Under 19 team. <input type="checkbox"/> MP's asking for individual contribution of 150000. <input type="checkbox"/> Everyone taking bribe no harm in donating few. <input type="checkbox"/> CEO and others agreed to MPs call.	<input type="checkbox"/> Integrity <input type="checkbox"/> Courage and Leadership <input type="checkbox"/> Promotion of sports <input type="checkbox"/> Probity of the Individual. <input type="checkbox"/> Institutional accountability. <input type="checkbox"/> Act of volunteerism

The various ethical issues involved in this case:

- **Objectivity v/s Prejudice:** Minister could have explain and create a task force for eradicating corruption rather than having a prejudice views.
- **Means v/s End:** It raises the moral question whether is it the right means or not.
- **Organisational benefit v/s organizational ethics:** Again the organisation is benefitting by receiving the funds it direly needed but at the cost of compromise of organizational ethics of zero tolerance towards corruption.
- Does sate have certain responsibility? Why did individual have to suffer without any reason?
- Its question the institution integrity and probity of individual by agreeing to MPs call?
- Does MP can ask for such a solution with such a sallow notion?
- Over simplification of statements, not everybody is corrupted?
- Does MP have fiduciary responsibility to eradicate menace of corruption if there is any (Kautilya said "Yaatha Raja tatha Praja")?

Option available to me:

1. Do as asked by the Minister.
2. Firmly protest against Minister Call even if others agree.

3. Raise the issue in the governing board meeting and take a democratic solution.
4. Finding alternative path for funds collection (Ask for voluntary donation) and promulgate a code of ethics.

Evaluation of Each option:

1. Do as asked by the Minister:

Merits: I will be abiding in letter to the duty to implement the will of the political executive. I won't face any challenges even in future.

Demerits: I will face cognitive dissonance. There is no objectivity involve and it will not solve the root cause.

2. Firmly protest against Minister Call even if others agree:

Merits: It shows my courage, integrity and dedication to service. It also shows that not everyone is corrupted.

Demerits: You may suffer as everyone agrees. MPs may harass you in future as you are not agreeing.

3. Raise the issue in the governing board meeting and take a democratic solution:

Merits: The institution will take steps, it shows the probity and institution integrity of every members. Moreover it shows the strength of institution. Institution like CAG, EC establish themselves because of its principle, charter and mandate follows by letter and spirit.

Demerits: The infrastructure may not be built. As everyone agreed to MPS call, the board also may not agree.

4. Finding alternative path for funds collection and promulgate a code of ethics:

Merits: It will show courage, leadership, and role of institution. It put forth good precedent before everyone. It also shows probity in office. Moreover it was not coercion but asking for voluntary donation for noble cause.

Demerits: Finding alternative sourcing of fund may take time.

Best option: Finding alternative path for funds collection and promulgate a code of ethics. Along with certain steps should be followed.

It shows I am acting as per categorical imperative. Even Socrates said unexamined life is worth living. We have to accept challenge and have courage to protest if it's against injustice whoever or whatever might be the position individual hold.

- Verifying, at my own level, the correctness of information related to bribery activities in the hockey federation.
- Ask the top management to promulgate a code of ethics, which clearly prohibits all types of bribes and illegal payments.
- I will also demand that the officials involved in bribe-seeking activities must be punished which will deter such malpractices in future.
- Started crowd sourcing for managing financial and other matters. Armstrong Pame able to build 100 km role with help of community, crowd sourcing, take help from society etc. If there is a will it was not a tall task to build a stadium.

Conclusion: According to Kautilya "Yatha Raja Tatha Praja" it means the character of people in a kingdom will be same as that of king. As a MP, CEO, SECRETARY we must put forth good precedence before society.

7. Suppose you are an officer, who is entrusted with the responsibility of implementing a socio-economic scheme, which seeks to provide free domestic cooking gas cylinders to poor households falling within the definition of Below Poverty Line (BPL) category. One day an old- illiterate woman comes to you to avail the benefits of the scheme. However, she has no documents to show in support of her eligibility, as a beneficiary under the scheme. But after interacting with her you realise that she is living in absolute misery and her life is a continuous round of sore affliction. After the meeting you are convinced that she requires support. This creates an ethical conundrum for you. Putting her under the scheme without necessary documents would clearly be violation of the rules however denying her support would be cruel and inhuman.

a) Can you think of a rational way to resolve this dilemma?

b) Give reasons in support of your preferable course of action under such circumstances.

{250 Words} {20 Mrks}

Subject Matter	Facts	VALUES	STAKEHOLDERS
Distributive Justice with regards to implementation of socio- economic scheme.	<input type="checkbox"/> Free domestic cooking gas cylinders to poor households. <input type="checkbox"/> Old- illiterate woman approaches for the benefits. <input type="checkbox"/> Not so documented society. <input type="checkbox"/> The women needs support. <input type="checkbox"/> Without necessary documents would clearly be violation of the rules.	<input type="checkbox"/> Emotional intelligence <input type="checkbox"/> Compassion <input type="checkbox"/> Share and Care (Ubuntu Philosophy) <input type="checkbox"/> Social Justice <input type="checkbox"/> Right to livelihood <input type="checkbox"/> Rule of law vs. Spirit of law <input type="checkbox"/> State social contract obligation. <input type="checkbox"/> Welfare state	<input type="checkbox"/> The illiterate poor women. <input type="checkbox"/> Society <input type="checkbox"/> Local administration <input type="checkbox"/> State

a) Can you think of a rational way to resolve this dilemma?

Ethical dilemma involve in the case:

- Rule of law vs. Spirit of law
- Duty vs. compassion
- Would there be more such case?

The ethical dilemma can be solved through considering the bigger perspective of Welfare state, Social Justice, Purpose of Law/Rules, Role of compassion in administration. It's true that the woman need support and it is the right thing to do so. Share and care one of the foundation stone of Indian society, Therefore despite ethical dilemma these principle will clear the conscience about my action to help the woman.

b)

My course of action	Reason for such action
<input type="checkbox"/> Background check with the help of locals, or sarpanch.	It helps in proper understanding of the situation and objective analysis.
<input type="checkbox"/> Opening a public grievance cell and spread awareness about the scheme and who can approach for not availing.	To have idea how many people are facing such problem in the area?

<input type="checkbox"/> Work with local panchayat to decide the criteria whether they are BPL or not, so as to issue some temporary income certificates etc.	It will establish a process, What if people have lost all the documents but yet able to avail the benefits of the scheme.
<input type="checkbox"/> Write to district administration / State about the issue of no documentation and bring certain change in the rules/selection criteria.	It will help in establishing process/ or Government will make rules for those people don't having documents.
<input type="checkbox"/> In long term ask administration to issue necessary documents with the help of panchayat.	It will help women in availing other schemes also.

Conclusion: Government is for protection and welfare of the people. A society is like chain, and the overall strength of the chain is its weakest link not the strongest links. Therefore compassion, "Share and Care" attitude of people and administrator for a more compassionate society is very much needed.

8. You are the owner of a **small** factory in the **informal sector**. There are approximately 18 workers in your factory, most of them from weak and humble economic background, working their heart out to make a living. **However none of them are aware that your company has taken a loan which it has failed to repay and hence an insolvency proceeding with respect to your company is pending before a court of law.** The only option that is left to you to repay the outstanding liabilities is to dissolve and liquidate the company. However you know that such a step is likely to **jeopardize** the future of your workers who have given their blood and sweat to the company.

a) **What are the dilemmas you will face under such circumstances?**

b) **What will be your response to the situation?**

Subject Matter	Facts	VALUES	STAKEHOLDERS
Informal sector and their plight	<input type="checkbox"/> Myself owner of a small factory. <input type="checkbox"/> Worker working their heart out to make a living. <input type="checkbox"/> Company has taken a loan. <input type="checkbox"/> Insolvency proceeding is pending before court. <input type="checkbox"/> Only option that is left to you to repay the outstanding liabilities by dissolving or liquidate the company. <input type="checkbox"/> Bankruptcy code.	<input type="checkbox"/> Emotional intelligence <input type="checkbox"/> Corporate governance <input type="checkbox"/> Administrative acumen and thoughtfulness <input type="checkbox"/> Share and Care (Ubuntu Philosophy) <input type="checkbox"/> Compassionate capitalism <input type="checkbox"/> Company as a societal goods.	<input type="checkbox"/> Employees <input type="checkbox"/> Myself as owner <input type="checkbox"/> State <input type="checkbox"/> Court

The dilemmas I will face under such circumstances:

- What should be the way out for this situation? Should we go for insolvency process or any other way to increase profitability?
- What will happen to those employees, whose employment will be terminated as a result of the bankruptcy?
- Given the chance will the company able to establish again.
- Society will have to determine to what extent, if any, it is prepared or obligated to fund the rehabilitation of the debtor and those employees, whose employment is terminated as a result of the bankruptcy. (250 words) (20 Mrks)
- How to convey the message to employee about the condition of the factory?

Response to the situation:

- Let the worker know about the condition of the factory. It will help in building consensus as well as best possible decision.
- I would explore legal-commercial options as available within the confines of the law. May be think of opting for Bankruptcy which was designed to give the debtor another chance after a financial failure.
- If possible to continue in business, older, wiser, and a potential source of future business for creditors who in most cases are sympathetic to their customer's predicament. This sense of fairness ensures a steady flow of recommendations.

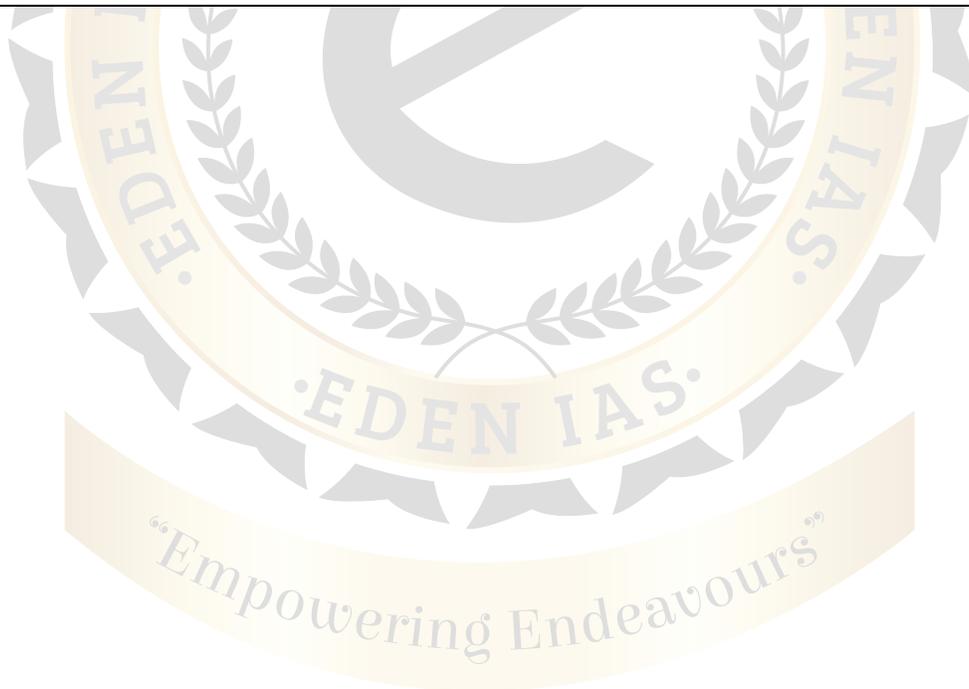
Conclusion: Bankruptcy is designed to give the debtor another chance after a financial failure. A tricky balancing act, in terms of ensuring there is a level playing field for all parties, and being commercial aware to maximize financial returns to creditors. For a healthy corporation, the bankruptcy of a competitor presents an opportunity to purchase that competitor at a fraction of its value, reorganize it, sell it, and generate a profit.

“Empowering Endeavours”

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