

Ethics_JG Class 05

8th July, 2024 at 5:00 PM

BRIEF ABOUT THE LAST CLASS (05:09 PM)

CORRUPTION (05:10 PM)

WAYS TO TACKLE CORRUPTION

LEGAL MEASURES

- 1. Prevention of Corruption Act
- Section 7 of PoCA must be amended to include the offense of collusive bribery.
- It may be defined as a transaction in which the transaction's outcome leads to an **unexplained loss** for the state or the public.
- 2. The definition of **bribery** must be expanded to include acts such as wasting **Public money, Obstruction of justice, Gross violation of constitutional provisions**, etc.
- 3. Prior sanction should not be necessary in those cases where the accused has been caught red-handed or where the official **possesses assets disproportionate** to Income.
- 4. Corruption must be made a **high-risk and No-gain** activity.
- All the **ill-gotten money** must be confiscated and should be put up for public use.
- 5. To ensure a speedy trial of corruption cases hearings should be held on a day-to-day basis and specific codes must be designated to build expertise in such areas.
- 6. The criminal law must be amended to ensure time-bound disposal of corruption cases.
- 7. The Whistleblower Protection Act should be amended to protect the identity of Whistle blowers and to ensure its effective implementation.

INSTITUTIONAL MEASURES(05:36 PM)

- 1. At present the **Lokpal** is dysfunctional and there is a need to revive the provision related to it to enforce the commitment made at UNCAC.
- 2. The provision of the **Delhi special police Establishment Act** needs to be amended to free the CBI from govt control.
- 3. **The prosecution in corruption cases should be carried by empaneled held after consulting the Lokpal.**

ADMINISTRATIVE MEASURES(05:43 PM)

- 1. An embargo must be put on **post-retirement assignments** for top position holders at nationally important and sensitive institutions.
- 2. **Risk profiling** should be carried out for all govt jobs to determine the offices that are vulnerable to high risk of corruption.
- 3. In such offices officials with impeccable **track records** should be appointed.
- 4. Govt organizations should streamline their processes and should be suitably rewarded for the same.
- 5. Department manuals should be revised to reduce the **discretionary powers** in the hands of civil servants.
- 6. Adoption of **IT measures** to introduce transparency and speed in govt functioning.
- 7. **Integrity pacts** should be made mandatory to ensure **corruption-free procurement** by the govt.

INTEGRITY PACT:

An Integrity Pact is both a signed document and an approach to public contracting that commits a contracting authority and bidders to comply with best practices and maximum transparency.

A third actor, usually a civil society organization, monitors the process and commitments made.

Monitors commit to maximum transparency and all monitoring reports and results are made available to the public on an ongoing basis.

Example: ONGC signed an IP with CVC and Transparency International to act as an independent External Monitor of the Integrity Pact.

POLITICAL MEASURES(06:03 PM)

- 1. There is a need to increase transparency in the findings of the political parties by bringing them under the **ambit of the RTI**.
- 2. **State funding** of elections may be considered as a measure to improve electoral funding which has been successful in several other countries.

SOCIETAL MEASURES(06:09 PM)

- 1. Fundamental duties must be brought to life by imparting value education in schools and colleges.
- 2. Active involvement of civil society organizations to create awareness among the masses and to enforce greater **accountability** standards on public officials.
- 3. Ensuring the independence of media by introducing **cross-media ownership** norms or regulations.
- 4. Since social sanctions are far better at tackling corruption **ostracization** of corrupt individuals can be held effective strategy.

ETHICAL GOVERNANCE (06:20 PM)

- Q1. In recent times a lot of emphasis has been given to the adoption of ethical governance norms in administration. What are the key elements of ethical governance and what changes do we face in ensuring the same?
- Q2. Several people believe that ethical governance is a utopian idea in India and faces significant challenges. Explain with the help of examples.

ETHICAL GOVERNANCE: (06:41 PM)

- Ethical Governance refers to governance that is carried out while keeping ethical concerns in mind.
- It is a step ahead of good governance as it seeks to realize certain universally desirable values and not merely values of administrative efficiency.
- Some of the important elements of ethical governance are as follows.
- 1. Compassion
- 2. Impartiality.
- 3. Selflessness
- 4. Dedication to public service.
- 5. Transparency.
- 6. Accountability.

CHALLENGES TO ETHICAL GOVERNANCE IN INDIA(07:02 PM)

- **1. Political Challenges:**
- Excessive political interference in policymaking where the emphasis is on populist consideration rather than ethical governance.
- Even civil servants are more focused on **impressing their political bosses** rather than ensuring public welfare.
- The political executive often pressurizes civil servants to perform unethical acts as they **control appointments, postings, and transfers.**
- **2. Institutional challenges.**
- The concept of career civil services compromises dedication to civil services resulting in complacency.
- Civil servants enjoy wide **discretionary power** that often results in misuse of powers.
- The economic model adopted after independence vested excessive power in a centralized form of government, creating conducive conditions for the misuse of powers.
- Civil services by their very nature are secretive therefore compromising **transparency** and **Accountability.**
- Civil services focus on preserving and enlarging their powers compromising the principles of participatory governance.
- **3. Societal challenges: (07:20 PM)**
- Society has witnessed a sufficient decline in morals and values and even the civil servants focus more on the accumulation of wealth than the cause of public service.
- Society has become **tolerant** of unethical conduct further disincentive Civil services to focus on ethical behavior.
- **4. Operational Challenges:**
- Administrative procedures are complicated and designed to avoid the measures in decision making leading to excessive delays and making the govt inaccessible to the common man.
- Civil servant often tends to develop a **lack of empathy** and **compassion** due to the hierarchical nature of bureaucracy that creates distance between the citizens and the civil services.

CODE OF CONDUCT AND CODE OF ETHICS (07:26 PM)

CODE OF CONDUCT

- It refers to a specific set of guidelines provided to the members of an organization with respect to how they should conduct themselves in a specific situation.
- One can call them as do and don'ts for the people.
- In the context of civil services, they are similar to a set of negative instructions to regulate the behavior of civil servants.
- A code of conduct also includes disciplinary measures for the violations.
- **AIS conducts rules, 1968** lays down the following standards for civil servants.
- 1. Should not take part in political activities or any organization associated with such activity.
- 2. They are supposed to remain sober and not appear in public places in a state of **intoxication** or use **drinks or drugs** in excess.
- 3. They should observe existing policies and laws regarding crimes against women.
- 4. Should not give or take **dowry**.
- 5. Should manage their financial matters in such a manner to avoid insolvency.
- 6. Should not directly or indirectly engage in any trade or business or any other employment or participate in making any sponsored media.
- 7. May gifts be accepted from near relatives on celebratory occasions but must be reported to the government if they are in value above **rupees 25,000**.
- 8. Civil servants cannot accept without permission from outsiders gifts exceeding **Rs. 10,000** in value.

CODE OF ETHICS (07:44 PM)

- It is the broad set of principles that should guide the conduct and the decision-making of civil servants.
- It reflects core values and ethical standards that act as a **moral compass** for civil servants.
- Ex. Civil servants must uphold transparency in all public dealings and should be impartial in service delivery.

DIFFERNECE BETWEEN CODE OF CONDUCT AND CODE OF ETHICS

- | | Code of conduct | Code of Ethics |
|----------------|--|--|
| Scope | Detailed and specific principles and values. | Broad principles and values |
| Objective | To ensure adherence to specific rules and regulation | To provide a broad framework for ethical decision-making or behavior. |
| Enforceability | Penalties may be imposed by specific departments. | No punishment as they only have moral sanctions behind them.
This can result in |
| Sustainability | Guide behavior over a short period. | long-term sustainable changes in the behavior of civil servants. |
- Q3. Even though the Code of Conduct and Code of Ethics aim to achieve ethical governance. Both of them face significant limitations in their implementation. Analyse.

TOPIC FOR NEXT CLASS: CODE OF CONDUCT AND CODE OF ETHICS
CONTINUE