

## **Ethics\_JG Class 06**

9th July, 2024 at 9:00 AM

### **RECAP (9:11 AM)**

- *Code of Conduct.*
- *Code of Ethics.*
- *Code of Conduct applies only in certain conditions and situations.*

### **SIGNIFICANCE OF CODE OF CONDUCT AND CODE OF ETHICS (9:14 AM)**

#### **Significance of Code of Conduct:**

- i. It establishes clear expectations of behaviour from the civil servants, therefore, reducing ambiguity and promoting consistency in actions/decision-making.
- ii. It outlines unacceptable behaviour and deters/prohibits misconduct.
- iii. It ensures accountability of civil servants for their actions by providing a benchmark.
- iv. Enhances public trust by ensuring that officials adhere to high standards of conduct.

#### **Significance of Code of Ethics: (9:27 AM)**

- i. Provides a moral compass for civil servants.
- ii. Ensuring their actions are based on ethical principles.
- iii. Promotes integrity and fairness in public dealings.
- iv. Can act as a tool for resolving the ethical dilemmas faced by civil servants.
- v. Civil services are often accused of having a poor work culture that can be reformed by strictly adhering to the code of ethics.

### **Implementation: (9:38 AM)**

#### **Implementation Code of Conduct:**

- i. Violation of the code of conduct results in disciplinary action that can range from simple warnings to termination of service.
- ii. Regular training programmes should be conducted to ensure that public officials are aware of and understand the code.

#### **Implementation of Code of Ethics:**

- i. Civil servant should receive regular training on ethical standards and application and code of ethics in their day-to-day functioning.
- ii. An Ethics Committee should be established to oversee the implementation of the code of ethics and to address any ethical concerns or violations.

### **Challenges in implementing the code of conduction and code of ethics:**

- i. Code of Ethics and Conduct often contains vague and broad statements leading to multiple interpretations, resulting in inconsistent application and enforcement.
- ii. Civil servants may not be adequately trained or informed about the codes either leading to unintentional violations or a lack of understanding of the codes.
- iii. In some cases, ethical standards prescribed by codes may come in conflict with local cultural norms.
- For example, in cultures where gift-giving is a common practice, strict guidelines under the code may be difficult to enforce causing friction.
- iv. Weak or ineffective enforcement mechanisms where violations go unpunished, reducing the sanctity of such codes.
- For example, if a department does not have clear procedures for reporting and investigating breaches, violations of these codes may not be addressed effectively.
- v. There is resistance to adopting these codes posing barriers to their effective implementation.
- vi. No added incentives are provided for following these codes nor do they have a significant impact on their career progression and promotion.
- For example, long-serving public officials may resist new ethical guidelines preferring to continue with the established practices.
- vii. Limited resources for training, monitoring, and enforcing the code.
- viii. The code of ethics does not define which principle would apply to which circumstances and on the other hand the code of conduct has limited application in different situations.
- ix. Some people believe that the erosion of moral values has happened to such an extent in the civil services that these codes would have a negligible impact on ensuring ethical governance.

### **Recommendations/Suggestions to improve the implementation: (10:23 AM)**

- i. Conducting regular comprehensive training programmes focussed on ethical dilemmas and practical application of ethical guidelines.
- ii. Engaging various stakeholders including the civil society, the private sector, and the employees in developing and implementing the codes.
- iii. Leveraging technology to monitor compliance and to facilitate reporting of ethical violations.
- iv. Revise the codes to include clear and specific guidelines that are easy to understand and apply.
- v. Promoting a culture of ethics by engaging senior officials to speak about the importance of ethics.

### **Experiences from other countries:**

- **UK:**
- It has come up with a comprehensive code of conduct for civil servants supported by the Civil Service Commission.
- This Commission oversees adherence and handles cases related to violations.
- Regular training with an emphasis on leadership setting the example.

- **Hong Kong:**
- **ICAC (Independent Commission Against Corruption)** has been set up to ensure effective enforcement of ethical behaviour and conduct extensive public awareness campaigns to promote ethical behaviour.
- **Australia:**
- Australian Public Service Commission enforces the APS (Australian Public Service) values and code of conduct which articulates core values and behaviours expected of public servants.
- Creation of **Public Register of Interests**
- Public Register of Interests: Public servants in senior positions are required to declare their financial interests to ensure transparency and prevent conflicts of interest.

## **2nd ARC: Public Service Bill, 2007:(11:02 AM)**

- **2nd ARC** recommended for the Draft Public Service Bill, 2007 which has the following component: **1. Core Values 2. Public Service Code 3. Public Service Management Code.**
- The Draft Public Service Bill, 2007 recommended by the 2nd ARC highlights several core values that the civil servant should uphold.

### **1. Core Values:**

- i. Allegiance to constitutional ideals.
- ii. Apolitical functioning (political neutrality).
- iii. Good governance.
- iv. Objectivity and impartiality.
- v. Accountability and transparency.
- vi. Economic efficiency.
- vii. Healthy work environment.
- viii. Communication and cooperation.

### **2. Public Service Code: (11:17 AM)**

- It is a part of a comprehensive framework designed to guide the conduct and responsibilities of civil servants.
- *It includes the following key components:*
- *i. Core values.*
- *ii. Specific duties and responsibilities of civil servants.*
- *iii. It defines the enforcement mechanism and the implementing authority through the Public Service Authority.*
- The Public Service Code tries to meet the following objectives:
- a. Integrity in all professional dealings.
- b. Ensuring accountability for actions through mechanisms such as audits, public reporting, etc.
- c. Improving public trust.
- d. Promoting professionalism.
- Civil servants should be involved in continuous learning and developing competence in their duties.

### **3. Public Service Management Code: (11:32 AM)**

- It complements the Public Service Code by focusing on operational aspects and management practices within the civil services.
- it ensures the same in the following manner:
  - i. Provides guidelines on how these values should be incorporated into the performance of duty.
  - ii. Lays down specific management practices to:
    - a. Ensure economic efficiency.
    - b. Encouraging a healthy work environment.
    - c. Promoting cooperation and consultation among different levels.
    - d. Public Service Authority would see the overall implementation of this code as well.
- Regular monitoring and evaluation would be conducted to assess the effectiveness of management practices and to make necessary changes.
- Various aspects of the Public Service Management Code: (11:40 AM)
  - **i. Performance Management Systems:**
    - Setting clear performance standards and expectations for the civil servants.
    - Regular performance appraisals.
    - Recognition and award for an outstanding performance.
  - **ii. Resource Management:**
    - Efficient budgeting processes to ensure that the financial resources are allocated efficiently and effectively.
    - Comprehensive guidelines for the management of public assets and to prevent their misuse.
  - **iii. Training and Development:**
    - Capacity building through continuous training programmes to enhance the skills and knowledge of civil servants.
    - Opportunities for professional growth by keeping the employees up to date with the latest practices and technologies.

### **Conflict of Interest: (11:56 AM)**

- Conflict of Interest arises when a civil servant's **personal interests conflict** with their **professional duties** potentially influencing their actions and decisions that harm the public interests.
- Managing such conflicts is crucial for maintaining public trust and ensuring the integrity of civil services.
- Some of the examples of conflict of interests are as follows:
  - a. A civil servant taking up a job offer post-retirement with a private company with whom he was dealing while he was in the service.
  - b. A civil servant owning shares in the company that may benefit from a contract or policy they are responsible for implementing.
  - c. A civil servant awarding a contract to a company where their relative holds an important position.
  - d. A person on the board of a private organisation while serving a regulatory role in a regulatory body.
  - e. A civil servant uses their position to buy land or influences government policies to increase the value of the property.
  - f. Receiving gifts or benefits from individuals or organisations that have an interest in decisions made by civil servants.

### **Managing Conflict of Interest: (12:12 PM)**

- Civil Servants should follow the following guidelines to manage such conflicts:
- i. Disclosure:
  - They must regularly disclose their financial interest relationships and other personal matters that could potentially lead to a conflict of interest.
  - An independent authority should review such disclosure.
- ii. Restrictions on post-retirement employment and positions:
  - Civil servants should refrain from taking a post from post-retirement employment with organisations they deal with as a part of their official duties.
  - 2nd ARC recommends that serving officials should not be nominated to boards of PSUs unless there are compelling reasons.
- iii. An independent oversight body should have the power to investigate and take action against any breach of conflict of interest guidelines.
- iv. Regular training programmes should be conducted to educate the public servants on managing the conflict of interest.
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### **Questions:**

1. Suggest a strategy to ensure the effective implementation of the code of ethics and code of conduct. What can we learn from the experiences of other countries in this regard?
2. Discuss the Public Services Code as recommended by the 2nd ARC.
3. Discuss the management practices that may be adopted as a part of the Public Service Management Code to achieve the objective of the Public Service Code.
4. Discuss how the Public Service Management Code suggested by the 2nd ARC complements the Public Service Code.
5. Public servants are likely to confront issues of conflicts of interest. What do you understand by the conflict of interest and how does it manifest in decision-making by public servants? If faced with a conflict of interest situation, then how would you solve it? Explain with the help of examples (**UPSC 2015**).

**NEXT CLASS:** The topic of **Conflict of Interest** will be further discussed.