

**GS FOUNDATION
BATCH FOR CSE (2023-24)**

ETHICS IN GOVERNANCE - HANDOUT 13

Probity in Governance -2

Probity in Governance

- Concept of Public Service
- Philosophical basis of governance & probity
- Right to Information
- Code of Ethics & Code of Conduct
- Citizen Charter
- Work Culture
- Quality of Service Delivery
- Utilisation of Public Funds
- Challenges of Corruption

Probity in Governance

Right to Information Act, 2005

- Legal right to seek information
- Objective – Participation, Accountability & Transparency
- Public Information Officer [PIO]
- Is there any information exempted?
- Duration?
- Appellate Authority?
- Information Commission – Central & State
- Is there any need for voluntary disclosure?
- What if the information is sought to an incorrect authority?

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Key issues regarding implementation of the Act

- Variance in role / Ownership – State Nodal Authority
- Inadequate processes, infrastructure or resources [CSC]
- Poor Awareness [13% rural & 33% urban]
- Payment Procedures Modes [Cash, Postal orders, DD, Court fee Stamps, Non-Judicial Stamps, RTI envelope]
- Poor record management & training of PIO's
- Low Motivation of officials
- Vacancies in Information commissions
- Lack of third-party audit

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How the Act has been weakened as per critics?

- Central govt to determine the Term & service conditions of CIC & SIC [2019 Amendment]
- Digital Data Protection Act, 2023 [Exempted personal information]
- Exemptions under Sec.8
- Official Secrets Act, 1923
- Political parties outside ambit of RTI [CIC, 2013– National Parties]
- No proper appointments to CIC

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Official Secrets Act, 1923

- Objective – Prevent spying or espionage & disclosure of sensitive information.
 - ✓ Madhuri Gupta [Indian Diplomat in Pakistan]
- How does it conflict with RTI? [Information Secrecy Vs Information Disclosure]
- Sec.5 & Sec.6 of OSA, 1923 Vs Sec.22 & Sec.8(2) of RTI
- Sec.8 – Exemptions

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Practice Question

1. “The Right to Information Act is not all about citizens’ empowerment alone, it essentially redefines the concept of accountability.” Discuss

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Code of Ethics & Code of Conduct

➤ Code of Ethics

- ✓ set of values or standards that members have to adhere to function in an ethical manner
- ✓ Aspirational Document [Values, Principles & Ideals]
- ✓ Generalist Nature [Nolan Principles]
- ✓ Not Legally Binding

➤ Code of Conduct

- ✓ set of do’s & don’ts
- ✓ Directional Document
- ✓ Describe specific behavior under certain circumstances
- ✓ Legally binding

➤ Constitutional Provisions – Art. 309

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Practice Question

2. Distinguish between “Code of ethics” and “Code of conduct” with suitable examples.

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Code of Conduct for Civil Servants

- Refrain from all political activities
- Not to be a member of association [Sovereignty & Integrity; National Security; Public order etc.]
- prohibit accepting employment of kith & kin in companies or firms having official dealing with government without prior permission.
- Not to criticize government policies in public forum
- Demonstration of strikes that affects [Sovereignty & integrity; Security of state etc.]
- Gifts
- Dowry
- Private trade or employment
- Government Accommodation
- Assets & Liabilities
- Restrictions regarding marriage
- Consumption of intoxicating drinks & drugs
- Prohibition regarding employment of children below 14 years.

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Code of Conduct for Ministers

- Prohibition in certain regards
- No employment under foreign govt.
- Gifts
- Code for foreign trips
- Avoid conflict between public duties & private interests
- Government resources not to be used for party or political purposes
- Ministers to uphold & appreciate political neutrality of civil service
- Economy in usage of public money

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Code of Conduct for Legislators

- Behaviour not to bring disrepute to the parliament
- Resolve conflict of interest
- Not to take gifts that may interfere with impartial functioning
- promote secular values
- not to misuse official facilities & amenities
- members must maintain high standards of morality, dignity, decency & Values in public life.

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Code of Conduct for Judiciary [Restatement of values of Judicial Life]

- Impartiality in actions
- not to contest elections to any club, association etc.
- Recusal of cases [Conflict of interest]
- not to enter public debate on political matters
- not to give interview to media
- not to accept gifts or hospitality
- not to act in a manner unbecoming of a high office.

Practice - Case Study

A Public Information Officer has received an application under RTI Act. Having gathered the information, the PIO discovers that the information pertains to some of the decisions taken by him, which were found to be not altogether right.

There were other employees also who party to these decisions were. Disclosure of the information is likely to lead to disciplinary action with possibility of punishment against him as well as some of his colleagues.

Non-disclosure or part disclosure or camouflaged disclosure of information will result into lesser punishment or no punishment.

The PIO is otherwise an honest and conscientious person but this particular decision, on which the RTI application has been filed, turned out to be wrong. He comes to you for advice.

Practice - Case Study

The following are some suggested options. Please evaluate the merits and demerits of each of the options:

1. The PIO could refer the matter to his superior officer and seek his advice and act strictly in accordance with the advice, even though he is not completely in agreement with the advice of the superior.
2. The PIO could proceed on leave and leave the matter to be dealt by his successor in office or request for transfer of the application to another PIO.
3. The PIO could weigh the consequences of disclosing the information truthfully, including the effect on his career, and reply in a manner that would not place him or his career in jeopardy, but at the same time a little compromise can be made on the contents of the information.
4. The PIO could consult his other colleagues who are party to the decision and take action as per their advice.

Also please indicate (without necessarily restricting to the above options) what you would like to advise, giving proper reasons.