

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

ETHICS IN GOVERNANCE - HANDOUT 12

Probity in Governance

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

Concept of Public Service

- Service rendered by government in public interest
- Basic Philosophy?
- Public Servants [IPC; PCA, 1988; Lokpal Act, 2013]
- Basic Functions
 - ✓ Law Making
 - ✓ Enforcement
 - ✓ Public Welfare
 - ✓ Tax Collection
 - ✓ Justice Delivery
- Stakeholders – Policy Makers, Service Providers, Citizens

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Public Interest

- “The welfare or well-being of the general public”
- Welfare orientation – Legitimacy [Social Contract Theory – John Rawls]
- Principles
 - ✓ Participation
 - ✓ Charity [Welfare Orientation & Principle of fairness]
 - ✓ Subsidiarity
 - ✓ Autonomy
 - ✓ Transparency & Accountability [Accountability – Triple Chain of Accountability]
 - ✓ Objectivity & Impartiality
 - ✓ Adherence to laws, rules, regulations, Ethical & Moral values.

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Social Contract Theory

- Idea defining contractual obligation between the ruled & the ruler regarding their rights & duties.
- Obligation for State – ensure basic facilities, Law & Order, protect rights etc.
- Obligation for Citizens – abide by law & act responsibly
- Govt. which oversteps its authority or fail to perform its duty is not legitimate.

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Politicization of Bureaucracy

- Political Vs Permanent Executive [Political Agenda Vs National Agenda]
- Consequences of Politicization
 - ✓ Demoralizing effect
 - ✓ Breach of Neutrality
 - ✓ Corruption
 - ✓ Inefficient & ineffective
 - ✓ Lack of responsiveness
- Protection to Civil Servants – Art.311; APAR; DPC; Conduct Rules etc.

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Practice Question

1. What is meant by public interest? What are the principles and procedures to be followed by civil servants in public interest?

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- Having strong moral principles & strictly adhering to them such as Honesty, Uprightness, Transparency & Incorruptibility.
- Public servants should maintain highest levels of honesty & integrity in his or her professional & personal life. [Public Service Values – Nolan Committee]
- Probity in Governance framework
 - ✓ Integrity & Honesty
 - ✓ Decisions guided by ethics & moral values
 - ✓ Effective laws, rules & regulation as well as fair implementation.
 - ✓ Robust institutional mechanisms

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Mechanism to promote Probity in Governance

- Prevent & check corruption [Laws & Institutional mechanisms]
- Ensure Quality services
- Information Sharing
- Ethical Behaviour
- Work Culture
- Proper utilization of public funds

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Practice Question

2. What do you understand by 'probity' in public life? What are the difficulties in practicing it in the present times? How can these difficulties be overcome?

Structure

- Probity in Public life
- Difficulties in present times – [Administrative discretion, conflict interest, Poor work culture, degradation in ethical & moral values etc.]
- How to Address? – [Legal & Structural mechanism, Promotion of Transparency & Accountability, Improve ethical standards & work culture]

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Practice Question

3. What do you understand by probity in governance? Based on your understanding of the term, suggest measures for ensuring probity in government

Probity in Governance

Philosophical basis of Governance

- Ancient Indian Treatise – Ramayana, Mahabharata, Bhagavat Gita, Buddha Charita, Arthashastra etc.
- Example: Arthashastra issue of corruption in governance
- Western Thinkers - Aristotle, Immanuel Kant, Jeremy Bentham, John Rawls etc.

Good Governance Vs Ethical Governance

- Good Governance [Participation, Transparency & Accountability, Responsive, Efficient, Rule of law etc.]
- Ethical Governance [Justice, Compassion etc.]

Constitutional Morality

- Actions guided by values laid down in the constitution even when its not the popular one [Justice, Liberty, secularism, equality etc.]

Probity in Governance

Practice Question

4. What is meant by the term 'constitutional morality'? How does one uphold constitutional morality?

Case Study 1

- You are chosen as a project manager of an elevated corridor to be constructed in the capital city of the state due to your competence & experience to reduce traffic congestion.
- The deadline for the project is 30th June 2021 two years from now as the Chief Minister is planning to inaugurate the corridor before elections which is likely to be notified 2nd week of July 2021.
- The Inspection team during a surprise inspection found a minor crack in one of the piers possibly due to poor material used.
- Further you found at least three piers required to be demolished & rework which may delay the work by 4 to 6 months.
- You stopped the work & informed the same to the Chief Engineer.
- The Chief Engineer overruled the observation by the inspection team & suggested you overlook the same as it's a minor crack & no way it will affect the strength & durability of the bridge.
- The Chief Engineer also informed that the minister concerned doesn't want any delay as the Chief Minister wants to inaugurate before elections are declared.
- He also gave you the information that the contractor is far relative to the minister & his promotion as Additional Chief Engineer is under consideration.
- However, you strongly feel the minor crack in the pier will affect health & life of the bridge and therefore dangerous if not repaired.

Case Study 1

- (a) Under the given conditions, what are the options available to you as a project manager?
- (b) What are the ethical dilemmas being faced by the project manager?
- (c) What are the professional challenges likely to be faced by the project manager and his response to overcome such challenges?
- (d) What can be the consequences of overlooking the observation raised by the inspecting team?

Case Study 1

- (a) Under the given conditions, what are the options available to you as a project manager?
 1. Listen to the suggestion given by the Chief Engineer as he is not only having more experience, but the project is politically very important, and his promotion is also under consideration.
 2. Convince the Chief Engineer to carry out the rework but at same time guarantee him that the project may be completed on time by putting extra man resources at work.
 3. Prepare a detailed report about cracks in the piers and the possible consequences ignoring them in writing forward it to the Chief Engineer & Minister concerned.
 4. Submit your resignation & submit the report to the media.

Case Study 1

(b) What are the ethical dilemmas being faced by the project manager?

1. Professional Duty Vs Personal Gain [Conflict of Interest]
2. Political Interest Vs Public Interest

(c) What are the professional challenges likely to be faced by the project manager and his response to overcome such challenges?

Professional Challenges likely to be faced by the Project Manager

- a) Possibility of not accepting the report & change of Portfolio
- b) Possibility of accepting the report but ask him to complete on time
- c) Putting his promotion on hold
- d) Possibility of Disciplinary action

Case Study 1

(d) What can be the consequences of overlooking the observation raised by the inspecting team?

1. Longevity of the Project may be compromised
2. Repair & Maintenance work unnecessarily which is an unnecessary burden on the public exchequer
3. In worst case loss of innocent lives
4. Such unfortunate incident might cause irreparable damage to the political party & ministers.
5. Audit report & further enquiry both against the politicians & the Bureaucrats