



G. S. PAPER IV

PROBITY IN GOVERNANCE

Codes of Ethics, Codes of Conduct & Citizen's Charter

VISIONIAS

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Section A: Introduction

Why do we need a Code of Conduct & Code of Ethics for Civil Servants?

Ethics is a set of principles of right conduct. It has been defined as a set of values and principles, which helps guide behavior, choice and actions. It helps to decide whether one's actions are right or wrong. Organizations as well as individuals have ethical standards. These standards help ensure that individuals belonging to an organization have a consistent approach in carrying out their responsibilities and making decisions. They also ensure that members of an organization maintain a consistent and appropriate behavior towards one another and towards clients and persons outside the organization.

Civil servants have special obligations because they are responsible for managing resources entrusted to them by the community, because they provide and deliver services to the community and because they take important decisions that affect all aspects of a community's life. The community has a right to expect that the civil service functions fairly, impartially and efficiently. It is essential that the community must be able to trust and have confidence in the integrity of the civil service decision-making process. Within the civil service itself, it needs to be ensured that the decisions and actions of civil servants reflect the policies of the government of the day and the standards that the community expects from them as government servants. The expectation that the civil service will maintain the same standards of professionalism, responsiveness and impartiality in serving successive political governments is a key element of the way our democratic polity functions.

A civil servant is appointed on merit on the basis of fair and open competition and is expected to carry out their role with dedication and a commitment to the Civil Service and its core values, which are integrity, honesty, objectivity and impartiality. A set of rules outlining the framework of values for the civil servants to work as per the guidelines enhances the efficiency of the democratic system where all the stakeholders are aware of their responsibilities & expectations. Most countries that have reformed their civil services such as New Zealand, Australia and the UK have established a set of principles to guide civil service behavior in the form of values and a legally enforceable code of conduct, setting out standards of behavior expected of those working in the civil services. India the world's largest democracy urgently needs to incorporate these values under the rules that govern the service conditions of civil servants, so that we can ensure better service & delivery to our people & uphold the spirit of our constitution.

An efficient, effective & democratic government is the best guarantor of social justice as well as an orderly society. All this is implemented by civil servants. Though public service should not be considered as a profession, however it is readily considered to be so by people. Entry to Civil Service employment does not require prior mastery of, or even familiarity with, the profession's ethical standards prior to admission. Thus it often recruits people who are not suitable for it & thus code of conduct & ethics need to be enacted & enforced.

Section B: Code of Conduct for Civil Servants

The Civil Services is the backbone of the administrative machinery of the country & refers to the permanent bureaucracy of the Government. While the provision of adult franchise & electoral democracy provides an enabling environment for the practice of democratic governance, it is the quality of people who must have not only the required skills and knowledge, but also the right values which would include integrity, commitment to public service and above all, commitment to the ideals and philosophy embodied in the Constitution.

Code of Conduct is principles, values, standards, or rules of behavior that guide the decisions, procedures and systems of an organization in a way that:

- Contributes to the welfare of its key stakeholders&
- Respects the rights of all constituents affected by its operations

In India, the current set of ethical norms are the Conduct Rules, contained in the **Central Services (Conduct) Rules, 1964** and analogous rules applicable to members of the All India Services or employees of various State Governments. The code of behavior as enunciated in the Conduct Rules, while containing some general norms like 'maintaining integrity and absolute devotion to duty' and not indulging in 'conduct unbecoming of a government servant' is generally directed towards cataloguing specific activities deemed undesirable for government servants. These conduct rules, which do not constitute a code of ethics are enumerated below:

- No Class I officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependent, to accept employment in any organization with which he has official dealings or the Government has.
Note: There is no firm in India, which does not have any dealings with the government.
- If a civil servant enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds twenty thousand.
Note: Twenty thousand is too small an amount today that it will amount to report even the smallest items in consumer durables category
- No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.
- A Government servant shall manage his private affairs, so as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings to the Government.

Second ARC report has criticized the Code of Conduct rules for being too vague to be followed & therefore conduct rules are likely to be observed more in breach than in reality and which in any case, may not necessarily involve any type of conflict of interest. Therefore, it has suggested redefining these rules to make them more meaningful to be followed.

Section C: Some Committees' Recommendations

Certain committees have recommended from time to time for reforming the civil services w.r.t. the code of conduct & ethics of the civil servants, few of which are as follows:

1) Committee on Prevention of Corruption (Santhanam Committee), 1964:

- Suggested rules to be framed for governing the conduct of civil servants
- Suggested that values like altruism and empathy for the poor, are hard to imbibe after joining the services. These need to be instilled in childhood through various institutions like family, school etc.
- There is no **code of ethics** for civil servant in our country unlike other countries, which needs to be incorporated.

2) *Hota Committee Report, 2004:*

- Aptitude & leadership test may be introduced for selection & that domain assignments should be introduced for the civil servants for acquisition of skills required.
- As no competitive examination can be a proof against unsuitable candidates for the public service, the committee recommended invoking the probation rules to weed out such officers. Also a performance review after 15 yrs. of service is recommended to remove such officers.
- **Code of Ethics** should be laid down for the civil servants to imbue the values of integrity, merit & excellence in public service.

3) *Second Administrative Reforms Commission*

The Second Administrative Reforms Commission in its 10th report pertaining to Values & Ethics of Civil Services in India recommended drafting a Bill on ethics to give code of ethics a statutory basis in the form of "The Civil Services Bill" (2nd ARC has recommended to rename public service bill as civil service bill as public service has a wider connotation).

The commission recommended that in addition to upholding the constitutional spirit the civil servants shall be guided by the following values:

- Adherence to the highest standards of integrity & conduct
- Impartiality & non-partisanship
- Objectivity
- Dedication to public service
- Empathy & compassion towards the weaker sections

The ARC Commission has highlighted the seven principles of public life enunciated by the **Nolan Committee in UK**. Drawing from these, the Commission has suggested the inclusion of the following principles in the Code of Ethics for civil servants in India:

Seven Principles of Public life to follow by a civil servant

- **Integrity:** Civil servants should be guided solely by public interest in their official decision-making and not by any financial or other consideration either in respect of themselves, their families or their friends.
- **Impartiality:** Civil servants in carrying out their official work, including functions like procurement, recruitment, delivery of services etc, should take decisions based on merit alone.
- **Commitment to public service:** Civil servants should deliver services in a fair, effective, impartial and courteous manner.
- **Open accountability:** Civil servants are accountable for their decisions and actions and should be willing to subject themselves to appropriate scrutiny for this purpose.
- **Devotion to duty:** Civil servants maintain absolute and unstinting devotion towards their duties and responsibilities at all times.
- **Exemplary behaviour:** Civil servants shall treat all members of the public with respect and courtesy and, at all times, should behave in a manner that upholds the rich traditions of the civil services.

Section D: Code of Ethics for Civil Servants

- 1) **Code of Ethics, 1997** – It was the first initiative to introduce the code of ethics for public servants in India, which was considered a step towards better governance. The salient features of the code were as follows:

A public servant should:

- Uphold the rule of law & respect human rights
- Maintain objectivity & transparency in their conduct with the public & in discharge of their duties
- Maintain utmost impartiality in respect of service matters
- Be accountable for their actions for timeliness of delivery, quality of service etc& be accessible to the people
- Ensure effective & efficient use of public funds & avoid extravagance.
- Not exploit their position of power for any personal gains.

The code was considered by a group of ministers but was not issued as code of ethics for public servants unfortunately.

- 2) **Draft Public Service Bill, 2007**- Again in 2007 Department of personnel drafted Public Service Bill. It extends to the whole of India & state. It envisages a moral behavior from the civil servants & enumerates certain values which should guide the Public Servants in the discharge of their functions which are as follows:

- ***Allegiance to the Constitution and the law***, democracy, nationalism, sovereignty & integrity of India and the security of the nation
- Function in apolitical manner, act ***objectively, impartially, honestly, equitably, and in a fair and just manner***
- Act with ***integrity*** and in a ***courteous*** and just manner
- Establish high standards, and ensure quality service, effective working and prompt decision making
- Be ***accountable*** for the decisions
- Establish merit as the fundamental principle in employment, promotion and placements
- Discharge functions with due regard to diversity of the nation/community and religion but ***without discrimination*** of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections
- Provide ***honest, impartial and frank advice*** to political executive
- Ensure that ***public money is used with utmost economy*** and care
- The public servant function with the objective that Public Services and Public Servants are ***to serve as instruments of good governance*** and to provide services for the betterment of the public at large; foster socio-economic development, with due regard to the diversity of the nation but without discrimination on the ground of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections.
- Without prejudice to the provisions of this Act, the Central Government may, on the recommendations of or in consultation with the Central Authority, notify from time to time other values in this Section.

- The **Central Authority may from time to time review** the adoption, adherence to and implementation of the Public Service Values in the departments or organizations under the Central Government and send reports to the Central Government.

The bill is still under consideration. However it tries to fulfill too many objectives apart from a code of ethic like norms for appointments to public services etc. Thus it might get difficult to gain consensus on all such issues & pass this bill.

Section E: Citizen's Charter

While Civil services Code of conduct & Code of ethics tries to incorporate certain behavior & morality that is to be followed by the civil servant while discharging their duties as a civil servant, a Citizen's Charter tries to document the duties & level of services that are expected out of a public servant as the basic minimal. The Citizen's Charter initiative is a response to the quest for solving the problems, which a citizen encounters while dealing with organizations providing public services.

The Citizen's Charter program was first launched in 1991, in the U.K., by the then Prime Minister John Major as part of a series of initiatives to open up Government at all levels to drive up standards and to shift the balance of change in to the hands of people. Development of the Charter in India began with a Conference of Chief Secretaries of all States and Union Territories held in 1996 on "Effective and Responsive Administration." This conference gave high priority to Citizen's Charters and was followed by the development of an "Action Plan for Effective and Responsive Government" at the same conference in 1997.

The Department of Administrative Reforms and Public Grievances (AR & PG) in the Central Government is responsible for the task of coordinating, formulating and operationalizing Citizen's Charters.

What is a Citizen Charter?

The Citizen's Charter is a written, voluntary declaration by service providers about their service standards, choice, accessibility, nondiscrimination, transparency and accountability. It should be in accord with the expectations of citizens. Therefore, it is a useful way of defining with the stakeholders what service should be and what standards to expect.

Objectives:

- To help change the mindset of the public official from someone with power over the public to someone with a care of duty in spending the public's taxes and in providing them with necessary services.
- An effective tool to ensure transparency and accountability and should help deliver good governance if implemented vigorously
- Improved service delivery through more responsive attitude from officials towards the public specifying what to expect & how to act if standards are not met
- Value for the taxpayer: Greater output on every single penny spent on governance programs & greater public satisfaction with the public services

Who is a stakeholder?

A stakeholder is someone who has a stake or interest - direct or indirect in the service being delivered, which include users, employees and employee representatives who are involved in delivering the

standards set out in the Charter and Suppliers who involved in providing parts of the service the engineers involved in providing service.

Components of a Citizen's Charter

There are five broad components to the Citizen's Charter as below:

1. Standards for service delivery

- Standards should be SMART i.e. Specific Measurable Accurate Relevant & Time bound
- Standards must be relevant both to the users and the service providers.
- They should also be monitored periodically. Actual performance against standards must be published and independently validated.
- Standards should be specific and measurable, and should avoid phrases, which are not measurable e.g. Trying hard is not a measurable target.

2. Openness and information about service delivery

- It should provide concise information to the users at the right time and at the right place.
- Information should be published in plain language in the Charters about service levels and service quality to be expected and about who is in charge in case the service does not deliver to that standard.
- Publication of handbooks, guides, posters and providing information on websites are some of the ways of providing information.

3. Choice for the citizen and consultation with users about service levels and quality

- Users' views about services and their priorities for improving them should be taken into account in finalizing standards.
- Citizen's rights should be balanced by their responsibilities by seeking citizens' involvement and co-operation in the process of service delivery & clearly outlined role of the citizens in the charter

4. Courtesy and helpfulness in service delivery

- The Charter should help embed a culture of courteous and helpful service from public servants with 'May I help you' counters should be available at all offices to the citizens to help them understand the procedures and what is expected of them.

5. Provision of redress when services are not delivered to the published standards

- Service providers should welcome complaints as a means of getting feedback in order to improve services as being able to identify 'trends' in complaints helps the organization to resolve systemic and recurring problems for the benefit of all its customers.
- Redressal system should be quick, consistent, simple, and focused on the individual.

Issues in Implementing the Charter

Citizen's Charter initiative in India had started in 1997. So far, sixty-eight Citizen's Charters have been formulated by the central government in Delhi. These relate to ministries, departments and other organizations. There are also 333 Charters in various agencies of the State Governments and Union Territories. Most of the charters formulated are in nascent stage of their implementation & it is more

difficult to implement in its true sense because of the rigid attitude of bureaucratic work force & citizen's perception towards the same.

The major obstacles encountered in implementing it& lessons learnt were:

- Developing close relationships with stakeholders. In the charters being implemented so far the consultation process was minimal or largely absent. It thus became one of routine instructions that bureaucracy is habitual to avoid. The initiative was therefore treated with a degree of skepticism by bureaucrats as well as citizens
- The lack of training & motivation in the employees to deliver the level of services promised by the charter
- Transfers of concerned officers at the crucial stages of its formulation or implementation in an organization severely undermine the processes
- Tasks to educate& aware the public were not conducted systematically. There is no public awareness campaign on Citizen's Charters.
- In some instances, the standards formulated in the charter were not realistic & therefore losing more trust of the stakeholders in following the same.
- Sometimes, even the concept of Citizen's Charter was not properly understood by the stakeholders.
- There is little internal or external monitoring of the implementation of the Charters by departments and citizen satisfaction data is not available. No proper feedback systems are in place. There is no monitoring of performance.

Recommendations

To make the Citizen's charter a success the following is suggested:

- The departments should guard against the tendency to promise more than they can deliver. A commitment to specific services standards should be made only if they really can be delivered
- A critical review of the current systems and processes in the department should be undertaken to examine whether they are likely to have an adverse impact on the Charter. Failure to do this will result in a mismatch between the standards enumerated in the Charter and the capacity of the system to deliver;
- Implementing the Charters without the staff owning them will defeat the purpose of the Charter. Motivating the staff and involving them in the preparation of the Charter are important;
- The Charters will remain merely a paper exercise of limited value if there is no consultation with the users. Departments should ensure user involvement at all stages of preparation and implementation of the Charter;
- Independent audit of results is important after a period of implementation of the Charter. The Charter is meant for the users and departments may not know how they are faring unless their performance is tested against the standards;
- Simplifying the systems for lodging complaints or access to officers obtaining redressal of grievances will facilitate the procedure of delivery
- The Charters should not be launched without adequate publicity and distribution of copies to the users and the staff in each public office.

Section F: Conclusion

It has been found on several occasions that while the bureaucracy responds to crisis situations with efficacy and has admittedly made major contributions in strengthening our democratic polity, there is often tardiness and failure on its part to deal with normal situations and with citizens in a sensitive and responsive manner. One of the reasons for this state of affairs is the belief in the civil services that its authority and legitimacy is derived not from the mandate of the people but from an immutable corpus in rules that it has prescribed for itself, without any correspondence to the needs and aspirations of the people it serves and the democratic ethos. That is why the functioning of the civil services is characterized by a great deal of negativity, lack of responsiveness to what the people want and the dictates of democracy.

It is sad but true that the civil service in India evokes the metaphors of what Michel Crozier calls 'bureaucratic behaviour'; the normal association that people have with the frequent use of the word "bureaucracy", which 'evokes the slowness, the routine, the complication of procedures, and the maladaptive responses of "bureaucratic" organizations to the needs which they should satisfy, and the frustrations which their members, clients, or subjects consequently endure.

The issue of reforms in governance and administration has become the focus of attention in recognition of the fact that good governance is necessary for ensuring success of development schemes, bringing improvements in the quality of life of citizens, eradicating poverty and for realization of the goals of equity and equality enshrined in our Constitution. With rapid and fundamental changes taking place in the political, economic and technological fields, the need for major reforms in our system of governance and public administration have assumed greater urgency. Principles of public service or values facilitate good governance & if adopted effectively might surely change the image of bureaucracy in the minds of people in times to come.

Section G: Sources

1. Website of Department of Administrative reforms & Public Grievance <http://goicharters.nic.in/>
2. 2nd ARC Report
3. State of governance : A framework for assessment report
[http://darp.gov.in/darpgwebsite cms/Document/file/sogr_framework.pdf](http://darp.gov.in/darpgwebsite/cms/Document/file/sogr_framework.pdf)
4. Civil Services Code
5. Ethics & Integrity in public administration by Raymond W Cox III
6. A research paper on Developing the 'Ethical Competence' of Public Officials - a Capacity-building Approach by Howard Whitton

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