

Second Edition

Civil Services (Mains) Examination

ETHICS, INTEGRITY

&

APTITUDE

FOR CIVIL SERVICES

(Basic Study Material, Case Studies and
Previous Years' fully explained Question Papers)

“Be the change you want
to see in the world.”

—M.K. Gandhi

R.K. Gupta, IRS

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AIR 92 CSE 2017

Foreword

Sh. B.K. Chaturvedi, IAS (Retd.)

Former Cabinet Secretary

 **PRABHAT**

(Royalty Permanently dedicated to Prime Minister's National Relief Fund)

**ETHICS
INTEGRITY
AND
APTITUDE**

for Civil Services Mains Examination

(with Basic Study Material including Case Studies and Past Years Solved
Question Papers)

By
R.K. Gupta, IRS
Prateek Tayal, AIR—92 CSE—2017

Foreword
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Former Cabinet Secretary



PRABHAT BOOKS

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Mr. R.K. Gupta, the lead author asserts that he has not utilized any of his professional knowledge in this work and clarifies that the views expressed herein are his personal views and do not represent the views of the Government.

“The basis of all systems, social or political, rests upon the goodness of men. No nation is great or good because Parliament enacts this or that, but that its men are great and good.”

SPECIAL THANKS TO MY TEACHER

—SHASTRIJI

“Show me your palm. I’ll beat you.”

“No master sahib, I’ll give you the correct answer.”

“Others have received two beatings but you’ll receive four if you are not able to give the correct answer.”

“It means **hurt by arrowi—e—baan se ghayal.**”

“Has any other student told you the answer?”

“No, master sahib, all of them have already received your beatings as they didn’t know the answer.”

“But how do you know its correct answer?”

“It has been very simple master sahib, I just divided the word into two parts.”

“Very good”, the teacher looked at his most mischievous student with utter disbelief and left the class, grossly immersed, perhaps thinking something deep within, concerning the future of his student who only was able to give the correct answer of a new Hindi word out of his class of sixty student.

Above was the conversation between a Hindi Teacher and his student of class eighth at G B M S Inter College, Birhana Road, Kanpur sometime in 1977, when the Teacher wrote a new Hindi word (शराहत) on the blackboard and asked his class of sixty students to explain this word.

Later in the evening, the student started trembling while assisting his father in their small eatery in Kanpur, seeing his teacher approaching him duly equipped with his most feared cane in his one hand and a canvass bag in the other. They touched the feet of the teacher out of respect.

“Don’t worry. I’ll not beat you here in the public. You are a very intelligent but distracted student of my class. I gift you this book. Read it carefully. It will change the course of your life.”

After his teacher left their shop, the student read the title of the book **The Story of My Experiment with Truth**, the autobiography of M K Gandhi.

It changed the course of life as well as destiny of the author and may change yours too.

The model answers provided in the book are heavily drawn from the teachings and real life experiences recorded in his candid autobiography by the Father of The Nation. A copy of his autobiography published by

Navjivan Trust, Ahmedabad was gifted by **The Teacher** to his most mischievous student to change the course of his life.

PROLOGUE

The present humble effort is aimed at genuinely assisting future aspirants by self—development of right attitude required from a civil servant and, on the other hand, to be a humble part of the benevolent activities carried out by the Prime Minister's National Relief Fund as its entire royalty including the initial honorarium is permanently dedicated to it.

I used to prepare study material for my own children for their various competitive examinations in my spare time including for Civil Services examinations conducted by UPSC. I wished to see at least one of them to join civil services. However, the eldest one preferred to join Judiciary and one of them has already embarked on his independent journey to become an entrepreneur. It, however, proved valuable to Prateek Tayal (**AIR—92, Civil Services—2017**), my friend's son, and before proceeding for training, he recommended me to get it published as basic study material for the guidance of future aspirants. I bring on record that I owe a lot to him in making our shared dream come true as he earnestly refined the answers based on his memory and also provided valuable inputs in presenting the present edition.

At the very outset, I wish to clarify that unlike other subjects; Ethics and Integrity are personal traits and can never be learnt through any study material. These are only to be practised by constantly listening to the little voice within, known as conscience in our personal as well as professional lives. Certain basic ethical standards are to be followed strictly by everyone in his personal life such as a son, husband, or wife and so on. Their violations invite collapse of moral fabric of entire family leading to personal disasters. Violations of these values in professional life attract inevitable legal consequences resulting, ultimately into disrepute and, in certain cases end of a dignified career. I aptly reproduce the warning given in *Sri Bhagwadgita* in this regard.

“अकीर्तिं चापि भूतानीकथयिष्यन्ति तेऽव्ययाम्।
सम्भावति स्य चाकीर्तिर्मरणादतिरिच्यते॥”

Chapter II (Samkhya Theory and Yoga Practice/34)

It conveys that the person who has once been honoured, disrepute is worse than death. It also corresponds to the reply of Lord Rama to Sumant, a

Minister of king Dasrath when the later tried to persuade him to return to Ayodhya leaving the *vanvas* (exile to forest) as narrated by Tulsidas in a *chaupai* in *Sri Ram Charit Manas* in *Ayodhya Kand*. It is reproduced *verbatim* in order to maintain its sanctity and to convey its intended message:

“संभावति कहूँ अपजस लाहु। मरन कोटि सम दारुन दाहू।।

It also means that for a reputed person, disrepute is worse than crores of deaths. We become part of the sovereign after joining as a Government servant and enjoy reputation and the distinct honour. We work as trustees of the resources placed in our hands and confidence reposed in us by virtue of our official positions. Every privilege carries its own responsibilities and we have to lead as role models by our own examples by displaying highest ethical standards even when none is around watching us and our conduct is supervised only by our own conscience. Codified rules serve only as minimum standards expected from a Government servant, and at times, he has to listen to the little voice, his own conscience.

The wisdom incorporated in the study material represents the grooming and nurturing by my worthy seniors throughout my career spanning more than 30 years in different Ministries and departments, from a tax administrator to an investigator in the Competition Regulatory Authority of the Union and also as an integral part of the policy making process at the highest level in the Ministry of Finance, North Block, New Delhi. The sum and subtract is to concentrate on the given assignments within the applicable rules and regulations without any fear or favour and to forget the rest. I fondly remember the valuable lesson imparted by Mr Devendra Shanker, IRS (retd.) on my first day of joining as a Government servant that working with absolute integrity and devotion is its own reward.

My long experience compels me to humbly modify it to “**working with absolute integrity and devotion is always rewarded.**” I am following his first lesson till date and don’t remember a single instance, where I was not given firm support in the hours of need. Even in personal matters, I have also found them with me as mentors amidst most difficult personal challenges.

While parting with I consider it my duty to quote a *sloka* from *Manusmriti* advising all to protect *Dharma* (law) which reads as under

“धर्म एव हतो हन्ति धर्मो रक्षित रक्षितः।
तस्माद्धर्मो न हन्तव्यो मा नोधर्मोहतोऽवधीत्।।”

[Manu VIII—15]

“Dharma protects those who protect it. Those who destroy Dharma get destroyed. Therefore, Dharma should not be destroyed so that we may not be destroyed as a consequence thereof.”

The wisdom contained in the aforesaid *sloka* is of utmost importance and significance. It incorporates the entire concept of Rule of Law. It plainly conveys that if people act according to *Dharma* (law) and thereby protect it, such an orderly society, which would be an incarnation of *Dharma*, in turn, protects the rights of individuals.

The present edition is the sum total of:

- Valuable inputs, suggestions, and thoughts culminating into his Foreword of Mr B K Chaturvedi, IAS (Retd.) and former Cabinet Secretary for blessing this humble effort of benefitting future aspirants.
- Permission granted by M/s Navjivan Trust, Ahmedabad vide their letter dated 5 September 2017, to reproduce the teachings of Mahatma Gandhi as incorporated in his autobiography **The Story of my Experiments with Truth.**
- Wisdom of Mr. B Balgopal, Joint Secretary to Government of India (Retd.), for preparing case studies based on his more than 35 years of experience in various Ministries and Departments of Government of India.
- The encouragement of Mr. R.K. Gupta, Joint Secretary to Government of India to bring this study material in a systematic form within time.
- The initial recommendation and untiring efforts of his son Mr. Prateek Tayal (**AIR—92, Civil Services—2017**) before joining LABASANA as a trainee IAS officer.

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- The untiring efforts and undivided attention of my soul mate **Alpana** ensuring that I stay focussed on timely completion of this edition by relieving me of all the household duties despite her own preoccupations.

Best Wishes
R.K. Gupta, IRS

FOREWORD

*B.K. Chaturvedi IAS (Retd.)
Former Cabinet Secretary*

Over the years, good governance has become critical to economic growth and well-being of its citizens. Simplicity of rules and procedure and their effective and efficient administration is vital for investments in the economy and development of social index of the country. According to certain projections, India may become the world's largest economy by middle of this century. A key instrument for implementing policies and ensuring happiness of its people is the civil service of the country. Our public officers, however, cannot be an effective instrument unless they have highest level of ethical standards.

There is a strong feeling that a large body of civil servants have questionable integrity. More than two thousand years back, Kautilya in his treatise "Arthashastra" had talked of forty—one way in which corruption takes place. Warning against corrupt officials he had remarked that just as with honey or poison on the tip of the tongue, it is impossible not to taste it, it was not possible for public officials not to eat up at least a bit of King's revenue. He warned that it is possible to know the path of the birds flying in the sky, but not the ways of officers with their intentions concealed. Unfortunately, the faith of the people in integrity of officers continues to be poor. In recent years, it has come in for a lot of criticism. It is failing to meet people's aspiration for efficient governance.

Ethical values are today critical to development of the society and particularly of its large body of senior civil servants. Honesty, uprightness, fair play are qualities which every civil servant must imbibe. Transparent functioning and keeping track of conflict of interest is vital for people to have faith in the fairness of public officers.

I am glad that a former civil servant and two serving officers including a recently qualified IAS probationer have taken pains and compiled material to let all aspirants of civil service be aware of some of the core issues in this area. They are also setting a good example by dedicating the royalty of this book to Prime Minister's National Relief fund. It is important that civil

servants have highest levels of integrity and ethical standards if our civil service is to meet the needs of a modern twenty—first century India.

9 September 2017

(Noida)

*“I hope I shall always possess firmness and virtue
enough to maintain what I consider the most enviable of
all titles, the character of an “honest man.”*

—George Washington

SCHEME OF THE BOOK

After having spent 30 years as a public servant in various capacities in different Ministries and departments, I have realized that besides following a personal code of conduct based on expected ethical standards and strictly adhering to these do's and don'ts, the basic knowledge of relevant Acts (Legislations), Central Civil Services (Conduct) Rules is mandatory to ensure effective discharge of duties. The required standards of behaviour from a public servant are more stringent than an ordinary citizen as he leads by his own example. As he executes policies of the Government and also administers various Acts, he must know the mechanism of applicable Acts/Legislations.

The book has been designed keeping in view these facts and incorporates the following also in addition to the model answers:

- The mechanism of an Act/Legislation.
- International approach to fight corruption.
- The seven principles of public life as laid down by **Nolan Committee** in the UK.
- History and summary of Central Civil Services (Conduct) Rules in India.
- Summary of relevant provisions of Indian Penal Code affecting public servants and mechanism and summary of *Lokpal* and *Lokayuktas* Act, 2013, Prevention of Corruption Act, 1988.
- How to develop personal code of conduct based on ethical standards expected from a public servant

CASE STUDIES

This part is prepared by Sri B Balagopal, Joint Secretary to Government of India(Retd.) who has served in various capacities in Government of India and successfully dealt with Bhopal Gas Tragedy Case before the Hon'ble Supreme Court of India.

Once you assimilate these basic principles and core values, you may answer any question and find correct answers of case studies as well.

With Best Wishes
Authors

CHPATER—1

HOW TO SECURE MAXIMUM MARKS IN ETHICS/POLITY

The executive power of the Union and the States is exercised by the President of India and the Governor of the respective State directly or through officers subordinate to them under Articles 53 and 154 of the Constitution respectively. These subordinate officers are public servants within the meaning of applicable laws and have to display utmost responsibility and are accountable for their every action.

Our Constitutional Government is based on the rule of law. Civil services have an important role in the administration of the State. They are entrusted with the task of implementation of the State Policies with absolute integrity and honesty within the framework of the Constitution. Constitution is the supreme authority and fountainhead of the legal system of the country. Every word, every phrase appearing therein has its own distinct meaning and has to be respected. The Constitution of India specifies the Legislature, Executive and the Judiciary and their distinct organs as well as instrumentalities. The relevant terms and phrases signifying these Constitutional organs and instrumentalities of the Legislature, Executive and the Judiciary as appearing in the Constitution have to be respected and are to be written in the manner as appearing in the Constitution. You have to learn them by heart and have to reproduce strictly in your answer books in the same manner as appearing in the Constitution. Some of the frequently used terms/phrases are illustrated below for your convenience:

Term/phrase: act

Correct way of writing: Act

Term/phrase: advocate general for the state

Correct way of writing: Advocate—General for the State

Term/phrase: all India services

Correct way of writing: All—India Services

Term/phrase: anglo Indian

Correct way of writing: Anglo—Indian

Term/phrase: article

Correct way of writing: Article

Term/phrase: attorney general

Correct way of writing: **The Attorney—General for India**

Term/phrase: bill

Correct way of writing: **Bill**

Term/phrase: central acts

Correct way of writing: **Central Acts**

Term/phrase: chairman of the legislative council

Correct way of writing: **The Chairman of the Legislative Council**

Term/phrase: chief justice

Correct way of writing: **Chief Justice**

Term/phrase: chief justice of India

Correct way of writing: **Chief Justice of India**

Term/phrase: chief minister

Correct way of writing: **Chief Minister**

Term/phrase: comptroller and auditor general of India

Correct way of writing: **Comptroller and Auditor—General of India**

Term/phrase: consolidated fund of India

Correct way of writing: **Consolidated Fund of India**

Term/phrase: constituent assembly

Correct way of writing: **Constituent Assembly**

Term/phrase: constitution

Correct way of writing: **Constitution**

Term/phrase: constitution 73rd amendment act, 1992

Correct way of writing: **The Constitution (Seventy—third Amendment) Act, 1992** Illustrative only every amendment has to be written in the same manner for example constitution 87th Amendment Act, 2003 has to be written as **The Constitution (Eighty—seventh Amendment) Act, 2003**

Term/phrase: contingency fund of India

Correct way of writing: **Contingency Fund of India**

Term/phrase: council of ministers

Correct way of writing: **Council of Ministers**

Term/phrase: council of states

Correct way of writing: **Council of States**

Term/phrase: deputy chairman of the council of states

Correct way of writing: **Deputy Chairman of the Council of States**

Term/phrase: deputy chairman of the legislative council

Correct way of writing: **The Deputy Chairman of the Legislative Council**

Term/phrase: deputy speaker of legislative assembly

Correct way of writing: **The Deputy Speaker of Legislative Assembly**

Term/phrase: deputy speaker of the house of the people

Correct way of writing: **The Deputy Speaker of the House of the People**

Term/phrase: *devanagri*

Correct way of writing: ***Devanagari***

Term/phrase: district planning committee

Correct way of writing: **District Planning Committee**

Term/phrase: election commission

Correct way of writing: **Election Commission**

Term/phrase: federal court

Correct way of writing: **Federal Court**

Term/phrase: finance commission

Correct way of writing: **Finance Commission**

Term/phrase: goods and service tax council

Correct way of writing: **Goods and Service Tax Council**

Term/phrase: government

Correct way of writing: **Government**

Term/phrase: governor

Correct way of writing: **Governor**

Term/phrase: gram sabha

Correct way of writing: **Gram Sabha**

Term/phrase: high court

Correct way of writing: **High Court**

Term/phrase: house of the people

Correct way of writing: **House of the People**

Term/phrase: house of the people

Correct way of writing: **House of the People**

Term/phrase: houses of legislatures

Correct way of writing: **Houses of Legislatures**

Term/phrase: houses of parliament

Correct way of writing: **Houses of Parliament**

Term/phrase: inter state

Correct way of writing: **inter—State**

Term/phrase: judge of high court

Correct way of writing: **Judge of High Court**

Term/phrase: judges

Correct way of writing: **Judges**

Term/phrase: legislative assembly

Correct way of writing: **Legislative Assembly**

Term/phrase: legislative council

Correct way of writing: **Legislative Council**

Term/phrase: legislature

Correct way of writing: **Legislature**

Term/phrase: metropolitan planning committee

Correct way of writing: **Metropolitan Planning Committee**

Term/phrase: minister

Correct way of writing: **Minister**

Term/phrase: money bill

Correct way of writing: **Money Bill**

Term/phrase: municipalities

Correct way of writing: **Municipalities**

Term/phrase: nagar panchayat

Correct way of writing: **Nagar Panchayat**

Term/phrase: national commission for the scheduled castes

Correct way of writing: **National Commission for the Scheduled Castes**

Term/phrase: national commission for the scheduled tribes

Correct way of writing: **National Commission for the Scheduled Tribes**

Term/phrase: ordinance

Correct way of writing: **Ordinance**

Term/phrase: panchayats

Correct way of writing: **Panchayats**

Term/phrase: parliament

Correct way of writing: **Parliament**

Term/phrase: part 3 of the constitution

Correct way of writing: **Part III of the Constitution**

Term/phrase: president

Correct way of writing: **President**

Term/phrase: prime minister

Correct way of writing: **Prime Minister**

Term/phrase: proclamation

Correct way of writing: **Proclamation**

Term/phrase: proclamation of emergency

Correct way of writing: **Proclamation of Emergency**

Term/phrase: public service commission

Correct way of writing: **Public Service Commission**

Term/phrase: schedule

Correct way of writing: **Schedule**

Term/phrase: scheduled area

Correct way of writing: **Scheduled Area**

Term/phrase: scheduled castes

Correct way of writing: **Scheduled Castes**

Term/phrase: scheduled tribes

Correct way of writing: **Scheduled Tribes**

Term/phrase: speaker of legislative assembly

Correct way of writing: **The Speaker of Legislative Assembly**

Term/phrase: speaker of the house of the people

Correct way of writing: **The Speaker of the House of the People**

Term/phrase: state

Correct way of writing: **State**

Term/phrase: state list

Correct way of writing: **State List**

Term/phrase: supreme court

Correct way of writing: **Supreme Court**

Term/phrase: the chairman of the council of states

Correct way of writing: **The Chairman of the Council of States**

Term/phrase: union

Correct way of writing: **Union**

Term/phrase: union public service commission

Correct way of writing: **Union Public Service Commission**

Term/phrase: union territory

Correct way of writing: **Union territory**

Term/phrase: vice president of India

Correct way of writing: **Vice—President of India**

Term/phrase: ward committee

Correct way of writing: **Ward Committee**



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***“An honest man is the noblest work of
God”***

—Alexander Pope

CHAPTER—2

MECHANISM OF AN ACT—EXPLAINED

What is an Act/Legislation?

“Natura non facit vacuum, nec lex supervacuum”

(Nature makes no vacuum and the law nothing purposeless)

Every Act is enacted by a competent law—making body for specific purposes. Every word, every part of an Act is designed to achieve those specific purposes. The functioning of an Act resembles a human body where all its parts work together to keep us alive. Different body parts do different activities such as mind controls all our activities, heart purifies blood and ensures its circulation in the entire body, liver converts food into nutrients for different body parts and so on with the ultimate aim to keep a human body alive. An Act is divided into various chapters to give effect to the objects sought to be achieved by its enactment.

MECHANISM OF AN ACT/LEGISLATION

The mechanism of an Act is divided into various parts as under:

- A. Introduction and Statement of objects and reasons
- B. Preamble
- C. Preliminary
- D. Interpretation of words appearing in the Act
- E. Other provisions to give effects to the scheme of the Act

We may understand it in the context of the Lokpal and Lokayuktas Act, 2013, as under:

A. INTRODUCTION AND STATEMENT OF OBJECTS AND REASONS

- It is provided in the very beginning of every Act.
- This part contains the background facts and historical developments leading to the enactment of the particular Act.
- It reflects the mind of the statute makers behind its enactment.
- India has ratified the United Nations Convention Against Corruption by depositing Instrument of Ratification on 9 May 2011. *Lokpal and Lokayuktas Act, 2013*, has been enacted in pursuance of this ratification providing for an effective mechanism against corruption in India.

B. Preamble

- Every book of *Tibetan Buddhism* opens with a very short poem. You comprehend the entire book if you understand the poem as it conveys its entire wisdom.
- Preamble means **an introductory statement in a Constitution, statute, or other document explaining the document's basis and objectives.**
- The aims and objectives sought to be achieved by the enactment of **Lokpal and Lokayuktas Act, 2013**, are succinctly provided in its Preamble which reads as follows:

“An Act to provide for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India established a Democratic Republic to ensure justice for all;

AND WHEREAS India has ratified the United Nations Convention Against Corruption;

AND WHEREAS the Government's commitment to clean and responsive governance has to be reflected in effective bodies to contain and punish acts of corruption;

Now, THEREFORE, it is expedient to enact a law, for more effective implementation of the said Convention and to provide for prompt and fair investigation and prosecution in case of corruption.

BE it enacted by Parliament in the Sixty—fourth Year of the Republic of India as follows.”

C. Preliminary

Section 1 of an Act introduces us to the preliminaries and contains the following:

- Short title i.e. the name of an Act

Section 1(1) of this Act reads as:

“This Act may be called the Lokpal and Lokayuktas Act, 2013.”

- Extent of its application

Section 1(2) reads as:

“It extends to the whole of India.”

- The date of its coming into force

Section 1(3) reads as:

“It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.”

This Act came into force w.e.f. 16 January 2014, vide its notification in the Official Gazette.

D. Interpretation of words appearing in the Act

- Generally, Section 2 of every Act defines various words for administering the scheme of a particular Act.
- The application of its particular definition is restricted to the particular Act only unless otherwise provided.
- These definitions are precise and specific taking into account the general objects sought to be achieved by the Act.
- The given definitions of specific words are to be applied while administering the scheme of a particular Act.
- The given definitions are accepted and applied by Courts while deciding disputes relating to the particular Act.

EXAMPLE:

Let us see the dictionary meaning and the definition of the word **Minister** as provided in Section 2 (k) of the **Lokpal and Lokayuktas Act, 2013**

Definition as per Oxford (Pocket) Dictionary, South Asia edition, Eleventh edition 2013

A head of a Government department.

A diplomat representing a State, or a king or queen, in a foreign country.

A member of the clergy.

Definition as provided in Section 2(k) of The Lokpal and Lokayuktas Act, 2013, in Part II i.e. Lokpal for the Union

“A Union Minister but does not include the Prime Minister.”

Note:

While applying the provisions of this Act, the meaning of this term shall be restricted to

a Union Minister only and **not to**

The Prime—Minister of India

The head of a Government department

A diplomat representing a State, or a king or queen, in a foreign country

A member of the clergy

E. OTHER PROVISIONS TO GIVE EFFECTS TO THE SCHEME OF THE ACT

From Section 3 onwards, an Act is further divided into various Chapters to give effects to the objects sought to be achieved by its enactment.

EXAMPLES:

MECHANISM OF AN ACT ILLUSTRATED : LOKPAL AND LOKAYUKTAS ACT, 2013

This Act is divided into three Parts and contains several provisions to pursue the objects sought to be achieved as follows:

Part	Chapter	Sections		Provide for
		From	To	
I	-	1	-	Short title, extent, application and commencement
II				Lokpal for the Union
	I	2	-	Definitions
	II	3	10	Establishment of Lokpal
	III	11	-	Inquiry wing
	IV	12	-	Prosecution wing

V	13	-	Expenses of Lokpal to be charged on Consolidated Fund of India
VI	14	19	Jurisdiction in respect of inquiry
VII	20	24	Procedure in respect of preliminary inquiry and investigation
VIII	25	34	Powers of Lokpal
IX	25	36	Special Courts
X	37	38	Complaints against Chairperson, members and officials of Lokpal
XI	39	-	Assessment of loss and recovery thereof by special Court
XII	40	43	Finance, accounts, and audit
IX	25	36	Special Courts
X	37	38	Complaints against Chairperson, members and officials of Lokpal
XI	39	-	Assessment of loss and recovery thereof by special Court
XII	40	43	Finance, accounts, and audit
XIII	44	45	Declaration of assets
XIV	46	47	Offences and prosecutions
XV	48	62	miscellaneous
-	63	-	Establishment of Lokayukta



“No personal consideration should stand in the way of performing a public duty”

—Ulysseses S. Grant

CHAPTER—3

INTERNATIONAL APPROACH TO FIGHT CORRUPTION—AN OVERVIEW

The United Nation's General Assembly adopted the Convention against Corruption by its Resolution 58/4 of 31 October 2003. Article 8 of the Resolution states:

“Codes of conduct for public officials.

In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty, and responsibility among its public officials, in accordance with the fundamental principles of its legal system.

In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable, and proper performance of public functions.

For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional, and multilateral organization, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.

Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.

Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with the article.”



***“Real integrity is doing the right thing,
knowing that nobody’s going to know
whether you did it or not.”***

—Oprah Winfrey

CHAPTER—4

THE SEVEN PRINCIPLES OF PUBLIC LIFE: NOLAN COMMITTEE OF UK

The Committee on Standards in Public Life was constituted in United Kingdom. It is commonly known as **Nolan Committee**. It outlined seven principles of public life. It is considered to be the most comprehensive statement respecting ethical standards for the holders of public offices. The committee enumerated the following principles to be followed by the holders of public offices:

Selflessness: Holders of public office should take decisions solely in terms of public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public, and must submit themselves to whatever scrutiny is appropriate to their office.

Openness : Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.



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“The light of a lamp shines on and does not lose its radiance until it is extinguished. Will then truth, justice, and self—control which fuel you fail before your own end”

—Marcus Aurelius, Roman Emperor

CHAPTER—5

THE HISTORY OF CENTRAL CIVIL SERVICES (CONDUCT) RULES IN INDIA

The ethical standards expected from civil servants are incorporated in their applicable Conduct Rules. This code of expected behaviour contains specific general norms such as maintaining integrity and absolute devotion to duty, not indulging in conduct unbecoming of a Government servant. These rules generally catalogue specific undesirable activities on the part of the Government servants.

The norms based on ethical standards as are expected from civil servants are older than rules prescribed by the Government from time to time. Specific acts on the part of the civil servants were proscribed in phases through notifications under the applicable Fundamental Rules and the Civil Services Regulations. Some of these are given below on illustrative basis:

- Disapproval of habitual lending and indiscriminate borrowing, 1869.
- Banning of various actions, such as accepting gifts, 1876.
- Buying and selling property, 1881.
- Making commercial investments, 1885.
- Promoting companies, 1885.
- Accepting commercial employments after retirement, 1920.

The present set of Conduct Rules was notified by the Government of India in 1964 which is based on the recommendations of the Committee on the Prevention of Corruption known as **Santhanam Committee**.

The Conduct Rules for the Civil Services in India were prescribed for the first time by the Government of India in 1930 in the form of “do’s and don’ts” by issuing a compendium which was collectively known as the **Conduct Rules**. It was converted into distinct rules in 1955. The present set of Conduct Rules for All—India Services, Central Civil Services, and other services such as Railway services *etc.* is the enlargement of these rules based on the recommendations of **Santhanam Committee**. Analogous rules are framed for All—India Services, Railway services and State services also.



“If you set yourself to your present task along the path of true reason, with all determination, vigour, and good will: if you admit no distraction, but keep your divinity pure and standing strong, as if you had to surrender it right now; if you grapple this to you, expecting nothing, shirking nothing, but self—content with each present action taken in accord with nature and a heroic truthfulness in all that you say and mean—then you will lead a good life. And nobody is able to stop you.”

—Marcus Aurelius, Roman emperor

CHAPTER—6

SUMMARY OF CENTRAL CIVIL SERVICES (CONDUCT) RULES IN INDIA

A compendium of instructions containing “do’s and don’ts” was issued by the Government of India in 1930, which was collectively known as “Conduct Rules.” This compendium was converted into distinct rules in 1955 to be followed by civil servants. The Central Civil Services (Conduct) Rules, 1964 are the enlargement of these distinct rules as recommended by Santhanam Committee constituted by the Union Government on prevention of corruption. These rules are subject to continuous changes based on the increased expectations from the society from the civil services to include additional norms of behaviour on their part. Following major additions have been made to these rules after their notification by the Ministry of Home Affairs, Government of India vide Notification number 15/4/63—Ests. (A), dated 30 November 1964, followed by Gazette Notification S. O. number 4177 dated 12 December 1964 are as follows:

- Observing courtesy.
- Prohibition of demanding and accepting dowry.
- Prohibition of sexual harassment of women employee.
- Prohibition of employing children below 14 years of age domestic help.

The scheme of these rules and their relevant summary is as follows:

Rule—1

Provides/prescribes for

- Short title of the rules *i.e.* **Central Civil Services (Conduct) Rules, 1964**
- Date of their commencement *i.e.* the date of their Notification in the Official Gazette of India vide S. O. number 4177 dated 12 December 1964

• **Their application:**

These do not apply to

- a. A Railway servant
- b. A person holding post in the Railway Board
- c. A person holding any post under the administrative control of Railway Board or of the Financial Commissioner of Railways
- d. A member of an All—India Service

Note: These are covered by their respective Conduct Rules

- A holder of any post specified for its exclusion by the President of India.

Rule—2

Provides/prescribes for

Defines various terms for the administration of these rules such as **The Government, Government servant, Members of family of a Government servant** etc.

Rule—3

Provides/prescribes for

Prescribes general norms of behaviour on the part of the **Government servants**.

Rule—3A, B, and C

Provides/prescribes for

- Prescribes for promptness and courtesy on the part of **Government servants**.
- Prescribes for observance of Government policies.
- Prescribes for prohibition of sexual harassment of working women.

Rule—4

Provides/prescribes for

Regulates the employment of near relatives of Government servants in companies or firms

Rule—5

Provides/prescribes for

Regulates taking part in politics and elections by Government servants.

Rule—6

Provides/prescribes for

Prohibits joining of associations by Government servants the objects or activities of which are prejudicial to the sovereignty and integrity of India or public order or morality.

Rule—7

Provides/prescribes for

Regulates demonstrations and strikes by Government servants.

Rule—8

Provides/prescribes for

Regulates connection with press or other media.

Rule—9

Provides/prescribes for

Prohibits criticism of the Government by the Government servants.

Rule—10

Provides/prescribes for

Regulates tendering evidences before Committee or any other authority.

Rule—11

Provides/prescribes for

Regulates communication of official information.

Rule—12

Provides/prescribes for

Regulates raising subscriptions by the Government servants.

Rule—13

Provides/prescribes for

Regulates acceptance of gifts by Government servants and their families.

Rule—13A

Provides/prescribes for

Prohibits dowry.

Rule—14

Provides/prescribes for

Regulates public demonstrations in honour of Government servants.

Rule—15

Provides/prescribes for

Regulates private trade or employment by Government servants.

Rule—15A

Provides/prescribes for

Regulates subletting and vacation of Government accommodation.

Rule—16

Provides/prescribes for

Regulates investment, lending, and borrowing by Government servant.

Rule—17

Provides/prescribes for

Regulates insolvency and habitual indebtedness by Government servant.

Rule—18

Provides/prescribes for

Regulates transactions in movable, immovable, and valuable property.



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“Be sure you put your feet in the right place, and then stand firm.”

—Abraham Lincoln

CHAPTER—7

GIST OF RULE 3 OF CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1964

Rule 3 of the Central Civil Services (Conduct) Rules, 1964, prescribes specific do's and don'ts for civil servants coming within its purview. You must understand them well in order to find out correct answer of given case studies with multiple options. These are reproduced below for your convenience:

CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1961

Rule 3. General

(1) Every Government servant shall at all times—

- (i) Maintain absolute integrity;
- (ii) Maintain devotion to duty; and
- (iii) Do nothing which is unbecoming of a Government servant.
- (iv) Commit himself to and uphold the supremacy of the Constitution and democratic values;
- (v) Defend and uphold the sovereignty and integrity of India, the security of the State, public order, decency and morality;
- (vi) Maintain high ethical standards and honesty;
- (vii) Maintain political neutrality;
- (viii) Promote the principles of merit, fairness and impartiality in the discharge of duties;
- (ix) Maintain accountability and transparency;
- (x) Maintain responsiveness to the public, particularly to the weaker section;
- (xi) Maintain courtesy and good behaviour with the public;
- (xii) Take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;
- (xiii) Declare any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest;
- (xiv) Not place himself under any financial or other obligations to any individual or organization which may influence him in the performance of his official duties;
- (xv) Not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his

friends;

(xvi) Make choice, take decisions and make recommendations on merit alone;

(xvii) Act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under—privileged sections of society;

(xviii) Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;

(xix) Maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him;

(xx) Maintain confidentiality in the performance of his official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;

(xxi) Perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.

(i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;

(ii) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior;

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

EXPLANATION I— A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be

lacking in devotion to duty within the meaning of Clause (ii) of sub—rule(1).

EXPLANATION II— Nothing in Clause (ii) of sub—rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of power and responsibilities.

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***“I will lead my life and practice my art
in uprightness and honor.”***

—Hippocrats

CHAPTER—8

SUMMARY OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS UNDER INDIAN PENAL CODE

The British, for the first time, used a different set of law based on their pattern that was not uniform throughout the territory of India. In 1834, the First Law Commission was constituted, and the Indian Penal code was drafted by Lord Macaulay. It received the assent of the Governor—General on 6 October 1860. It defined the term “Public Servants” and an exclusive Chapter IX was also enacted pertaining to the offences by or relating to the public servants.

WHO IS A PUBLIC SERVANT UNDER THE INDIAN PENAL CODE(IPC)?

The following persons are public servants within the meaning of IPC as defined in Section 21.

- Every Commissioned Officer in the Military, Navy or Air Forces
- Every Judge
- Every officer of a Court of Justice (Including a liquidator, receiver, or commissioner)
- Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant
- Every arbitrator or other person to whom a matter is referred by any Court of Justice or any other competent public authority
- Holder of any office empowered to place or keep any person in confinement
- **Every officer of the Government who is obliged to—**
 - Prevent offences,
 - Give information of offences,
 - Bring offenders to justice,
 - Protect the public health, safety or convenience.
- **Every officer who is obliged to—**
 - Take, receive, keep or expend any property on behalf of the Government,
 - Make any survey, assessment or contract on behalf of the Government,
 - Execute any revenue process,
 - Investigate or report on any matter affecting the pecuniary interests of Government,

Make, authenticate or keep any document relating to the pecuniary interests of the Government,

Prevent the infraction of any law for the protection of the pecuniary interests of the Government.

• **Every Officer who is obliged to—**

Take, receive, or expend any property,

Make any survey or assessment,

Levy any rate or tax for any secular common purpose of any village, town or district,

Make, authenticate or keep any document for the ascertaining the rights of the people of any village, town or district.

• **Every person who holds any office empowering him to—**

Prepare,

Publish,

Maintain, or

Revise

An electoral roll, or

To conduct an election or any of its part

• **Every person—**

In the service of the Government,

In the pay of the Government,

Being remunerated by the Government by fee or commission for the performance of any public duty by the Government.

• **Every person—**

In the service or pay of local authority,

In the service or pay of a Corporation established by or under a Central, Provincial, or State Act,

In the service or pay of a Government Company.

Chapter IX of the IPC exclusively deals with the offences committed by public servants or related to them. However, w.e.f. 9 September 1988, the provisions contained in Sections 161 to 165 of this chapter have been repealed by the Prevention of Corruption Act, 1988. The remaining existing provisions of IPC of this chapter providing for punishments for various offences by public servants or pertaining to them are as under:

Section : 166 : Provision : Punishment for public servants disobeying law with intent to cause injury to any person

Section : 166A : Provision : Punishment for Public Servant disobeying directions under law

Section : 166B : Provision : Punishment for Public Servant for non—treatment of victim

Section : 167 : Provision : Punishment for Public Servant framing an incorrect document with intent to cause injury

Section : 168 : Provision : Punishment for Public Servant unlawfully engaging in trade

Section : 169 : Provision : Punishment for Public Servant unlawfully buying or bidding for property

Section : 170 : Provision : Punishment for personating a Public Servant

Section : 171 : Provision : Punishment for wearing garb or carrying token used by Public Servant with fraudulent intent

Chapter XII of IPC deals with offences against property. Sections 405 to 409 of this chapter deal with offences of criminal breach of trust. Section 409 of this chapter specifically provides imprisonment for life or imprisonment of either description for a term which may extend to 10 years besides fine for the criminal breach of trust by a public servant.



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***“All your scholarship, all your study
of Shakespeare and Wordsworth
would be vain if at the same time you
do not build your character and attain
mastery over your thoughts and
actions”***

—M.K. Gandhi

CHAPTER—8

THE SUMMARY OF PREVENTION OF CORRUPTION ACT, 1988

A public servant commits an offence of criminal misconduct in the discharge of his duties when he obtains for himself or for any other person any valuable thing or pecuniary advantage by abusing his position by corrupt, illegal, or other means. The Prevention of Corruption Act, 1988, has been enacted w.e.f. 12 September, 1988 to consolidate and amend the law relating to the prevention of corruption.

It extends to whole of India except Jammu and Kashmir (J&K). It applies to all the citizens of India even when they are outside India.

THE SCHEME OF THE PREVENTION OF CORRUPTION ACT, 1988

The provisions of this Act are in addition to any other law in force. This Act is divided into five Chapters as under—

Chapter —I

Title—Preliminary

Sections—1, 2

Provides for :

- Short title,
- Extent of application

Chapter —II

Title—Appointment of Special Judges

Sections—3, 6

Provides for :

- Central and State Governments may appoint Special Judges under this Act through notifications in Official Gazette
- Cases under this Act to be tried only by the Special Judges
- Procedures and powers of Special Judges
- Powers of the Special Judges to make summary trials

Chapter —III

Title—Offences and Penalties

Sections—7, 16

Provides for :

- This part defines various offences and penalties to be imposed

Chapter —IV

Title—Investigation of cases under this Act

Sections—17, 18

Provides for :

- This part defines the persons authorized to investigate and their powers

Chapter —V

Title—Sanctions for prosecutions and other miscellaneous provisions

Sections—19, 31

Provides for :

- This part provides *inter alia* that previous sanction is necessary for prosecution of public servants
- This Act is in addition to any other law

WHAT IS PUBLIC DUTY UNDER THE PREVENTION OF CORRUPTION ACT, 1988?

The term “Public Duty” is defined in Section 2(b) of this Act. It means a duty in the discharge of which the following have an interest—

The State*,

The Public, or

The Community at large

***The State includes—**

A corporation established by or under a Central, Provincial, or State Act

An authority or a body—

Owned by the Government, or

Controlled by the Government, or

Aided by the Government

A Government company.

WHO IS A PUBLIC SERVANT UNDER THE PREVENTION OF CORRUPTION ACT, 1988?

The provisions contained in Chapter III of the Prevention of Corruption Act, 1988, define various offences committed by public servants and the corresponding penalties to be levied by the Special Courts constituted specifically for trying these offences. The provisions contained in Section

2(c) of this Act specify the persons who are to be treated public servants for the application of its provisions.



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“Character, in the long run, is the decisive factor in the life of an individual and of nations alike”

—Theodore Roosevelt

CHAPTER—11

PERSONAL ETHICS: HOW TO DEVELOP IT?

Personal ethical standards maintained by an individual shape the destiny of a Nation. The Greek and Chinese philosophers concluded that there is no difference between personal ethics and State ethics. Ethical living standards of the citizens of any Nation lead it to all round prosperity. Ethics cannot be taught in any Institution or academy, neither can it be enforced. These virtues are imbibed gradually over time on own volition. Violation of prescribed ethical norms, however, leads to legal consequences tarnishing the image of the delinquent and his surroundings.

There is difference between pleasure and happiness. Pleasure is merely an attempt to satisfy insatiable greed of senses. With every serving, it asks for more and over stimulates nerves and senses resulting into fatigue or lethargy. It ultimately leads into disillusionment and cynicism. Pleasure should never be mistaken with happiness.

Happiness is a permanent possession and makes life a priceless blessing. It is derived by leading a life based on ethical standards. In fact, happiness is life and life is happiness if lived ethically. Leading moral life should never be sacrificed for transient pleasures.

This wealth can never be stolen or taken away forcefully. The reputation of a person is the real wealth, his own property, which supports him amidst all the adversities of life. It is always carried on by the person without any introduction or outer support like the qualities of an acknowledged artist. It is absolutely safe within you amidst all the crises, wars, natural devastations, and inflations. All the inventions have been made first and then further refined by future scientist. Similarly, practise precedes theory in the world of setting ethical standards. Personal ethical standards were adopted by reformers, thinkers and philosophers and the great persons and were further developed as thoughts and theories by setting their own examples.

Paper IV in Union Public Service Commission's Civil Services (Mains) examination is aimed at selecting right candidates having ethical bent of mind as they are going to shape the destiny of the nation after joining these elite services. It, therefore, cannot be taught in classrooms or in coaching. It

is first build in the armoury of his thoughts by deciding to lead an ethical life in whatever capacity he is earning his livelihood. He may ultimately become a civil servant, a businessman, an entrepreneur, or an advocate. In all walks of life, even in personal life, certain minimum ethical standards are required. Once a person develops a permanent mindset to lead only an ethical life, no theory or teachings are required to be taught to him. For the National prosperity, it is useless to memorize certain theories propounded by reformists, thinkers, and philosophers and the rules prescribed for civil servants only to obtain maximum marks in the competitive examinations. These have to be the self—made foundations of personal lives of every citizen of a country.

The author has been privileged to have worked under some of the finest officers of the Government of India. The job requirements provided him rare opportunities to work with them in odd hours. These long associations have provided him to have a closer look of their lives, how they reached at the top displaying professionalism, their self—imposed highest personal ethical norms, absolute devotion to duty, humility, simplicity, and their distinct style of leading by own examples. All these qualities of senior officers have left deep impressions on him. Based on these experiences, I suggest that instead of reading books/study material for examination purposes, leading life based on highest personal standards must be the first priority of every individual. Assimilating these virtues will lead you to secure maximum marks in your examinations and will make you a very successful civil servant. I suggest the following to inculcate these virtues:

A. VOLUNTARY DISCHARGING FUNDAMENTAL DUTIES AS PROVIDED IN THE CONSTITUTION

“Ask not what your country can do for you; ask what you can do for your country”

**—John F Kennedy ,
youngest US President
(Inaugural address—20th January 1961)**

Before being a civil servant, we are citizens first. Therefore, it is our most important duty to discharge the fundamental duties being the citizens of our great country as provided in Article 51A of the Constitution.

Our original Constitution did not provide for fundamental duties. Part IV—A of the Constitution was inserted by the **Constitution (Forty—second Amendment) Act, 1976**, w.e.f. **3 January, 1977**. This amendment is also known as the **Mini Constitution**. This Part now provides for 11 specific fundamental duties for the **citizens of India**. These are non—justiciable. For your convenience these are reproduced below:

Article—51A(a)

Duty —To abide by the Constitution and to respect its ideals, institutions, the National flag and the National anthem

Article—51A(b)

Duty —To cherish and follow the noble ideals which inspired our national struggle for freedom

Article—51A(c)

Duty —To uphold and protect the sovereignty, unity and integrity of India

Article—51A(d)

Duty —To defend the country and render national service when called upon to do so

Article—51A(e)

Duty —To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women

Article—51A(f)

Duty —To value and preserve the rich heritage of our composite culture

Article—51A(g)

Duty —To protect and improve the natural environments including forests, lakes, rivers, and wild life and to have compassion for living creatures

Article—51A(h)

Duty —To develop scientific temper, humanism, and the spirit of inquiry and reform

Article—51A(i)

Duty —To safeguard public property and to abjure violence

Article—51A(j)

Duty —To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement

Article—51A(k)

Duty —A parent or guardian has to provide opportunities for the education of their children/ward that are between 6 and 14 years of age

B. DEVELOPING A PERSONAL CODE OF CONDUCT—I

The life of M K Gandhi was based on various self—imposed ethical norms. He always practised the following principles and led us by his own example:

- Long walks to keep him fit. These walks kept him healthy and also provided him opportunities for introspection
- Having a strong sense of purpose
- Constant development of character
- Channelizing anger in a constructive way
- Preferring spirituality over materialism
- Serving selflessly
- Exercising complete self—restraint
- Listening to conscience
- Building permanent relationship based on trust
- Having ideals and remain surrounded with good company
- Practising personal honesty and authenticity
- Overcoming challenges with calmness
- Prioritizing things in order of their importance
 - Daily meditation

C. DEVELOPING A PERSONAL CODE OF CONDUCT—II

"This above all : To thine own self be true"

Hemlet is a very famous play of William Shakespeare. He displays his wisdom through the words of *Polonius*, the Emperor while advising and blessing his son who is embarking on a long voyage. You too, are embarking

on your professional voyage. These words set a personal code of conduct and are still relevant for you in your professional voyage.

***"There, my blessings with thee!
And these few precepts in thy memory
See though character. Give thy thoughts no tongue,
Nor any unproportion'd thought his act.
Be though familiar, but by no means vulgar;
Those friend thou hast, and their adoption tried,
Grapple them to thy soul with hoops of steel;
But do not dull thy palm with entertainment
of each new—hatch'd, unfledged comrade. Beware
of entrance to a quarrel; but being in,
Bear't that the opposed may be beware of thee.
Give every man thy ear, but few thy voice;
Take each man's censure, but reserve thy judgment.
Costly thy habit as thy purse can buy,
But not expressed in fancy; rich not gaudy;
For the apparel oft proclaims the man.
Neither a borrower nor a lender be;
For oft loan loses both itself and friend,
And borrowing dulls the edge of husbandry.
This above all: to thine own self be true;
And it must follow as the night the day,
Thou canst not then be false to any man"***



“I shall stay where your lawyer puts me up, or I shall find out independent lodgings. Pray don’t worry. Not a soul shall know anything that is confidential between us. But I do intend cultivating the acquaintance of the other party. I should like to be friends with them. I would try, if possible, to settle the case out of court. After all Tyeb Sheth is a relative of yours.”

—M K Gandhi to his client Abdulla Seth while leaving for Pretoria on maintaining professional integrity

UPSC CIVIL SERVICES (MAINS)

EXAMINATIONS 2014

Paper IV—Ethics, Integrity and

Aptitude

Model Answers

Section A

1. (a) All human beings aspire for happiness. Do you agree? What does happiness mean to you? Explain with answers. (10 Marks) (150 Words)

All human beings aspire for happiness through different means. It is considered to be our inherited instincts to seek pleasure and to avoid pain, and is, therefore, our most fundamental ethical value. It is so recognized by various thinkers and schools of thought throughout history including Aristotle, Bentham, Mills, the Hedonistic philosophy, among others.

Happiness is essentially a state of mind of contentment and satisfaction. But what brings happiness is an answer known to none. Bhutan is the happiest country despite low economic development. Nelson Mandela, spending 27 years in jail, took a long walk to freedom for that meant happiness to him.

To me, happiness is doing my work with professionalism throughout the day and be able to see satisfaction on the faces for whom I work, and at the end of the day to spend time with my family. The happiest time of my day is to express my gratitude to Almighty for all these wonderful things in my life before I go to bed. Happiness to me is also to give back to the society on holidays by teaching underprivileged students and to motivate them to aim higher in their lives.

(b) What do ethics seek to promote in human life? Why is it all the more important in Public Administration? (10 Marks) (150 Words)

Ethics are a set of standards of right and wrong that guide human thought, speech and action. These standards of morality seek to promote well-being in human life in both intrapersonal and interpersonal spheres. At an intrapersonal level, ethics give contentment and satisfaction to an individual, increasing the quality of life. At an interpersonal level, ethics promote well-being by reducing trust deficit and encouraging stability in relationships and order in society.

In public administration, it is all the more important for a civil servant to be ethical because of the following reasons:

1. Government is the repository of faith of the public and is responsible for allocation and management of their resources. It is important to have ethical values to maintain trustworthiness.

2. A decision in public administration has a wide and far reaching impact on the people in general, which requires it to be based on the prevailing

Government policies and ethical standards.

3. A public servant has to work as a trustee while executing policies of the Government. All his decisions, therefore, are required to be taken on the well—accepted seven principles of public life i.e. selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

4. (a) In the context of defence services, “patriotism” demands readiness to even lay down one’s life in protecting the nation. According to you, what does patriotism imply in everyday civil life? Explain with illustrations and justify your answer. (10 Marks) (150 Words)

Patriotism may be defined as the “love for one’s country”. There are several methods of expressing this love, foremost being the willingness to sacrifice life to protect the country when required, as our armed forces do in the hours of need. Great achievements require courage and the willingness to sacrifice everything whenever needed for the sake of the country.

However, in everyday civil life, patriotism means love and respect for the nation in its current setup i.e. respecting diversity, accepting that our society consists of different faiths, languages, cultures, and religions which have to be respected. The Preamble to the Constitution specifically mentions that WE, THE PEOPLE OF INDIA, have constituted our country into a Sovereign, Socialist, Secular, and Democratic Republic. It further mandates to secure for all its citizens.

- Social, economic, and political justice,
- Liberty of thought, expression and belief, faith and worship,
- Equality of status and of opportunity, and
- To promote among them all the feeling of fraternity assuring the dignity of the individual and the unity and integrity of India

The patriotism in our daily lives expects us to cherish the vision of the Constitution makers and discharge of our fundamental duties as contained in Article 51A and the legal system. An illustration of discharging our fundamental duty is to teach and mentor underprivileged children between the age group of 6 and 14 years to develop their hidden potentials.

(b) 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? (150 Words)(10 Marks)

Probity means ethical behaviour by an individual. It represents honesty and integrity and our general conduct exhibiting respect, humility, impartiality, transparency, etc. Probity in public life means discharge of duties by public officials with honesty and decency as they are repositories of trusts by the public and act as role models to them.

However, in the present times, practicing probity has become difficult because of the lowering morals in the society resulting in the giving and taking of corruption being considered as an accepted norm. At the same time, the decreasing ethics of journalists who indulge in sensationalization of news, fake news, and paid news make it difficult to display correct image in the public. Lastly, the receding contours of privacy that mixes personal lives with public life also makes it difficult to maintain probity in the public sphere.

These can be overcome by paying greater attention by making our youths orderly and law-abiding citizens and also by prescribing basic ethical standards for different professions and public servants.

7. (a) “Integrity without knowledge is weak and useless, but knowledge without integrity is dangerous and dreadful.” What do you understand by this statement? Explain your stand with illustrations from modern day context. (10 Marks) (150 Words)

The statement seeks to compare the relative importance of integrity and knowledge. While Integrity without knowledge does not serve any purpose and is useless, knowledge without integrity is counterproductive and dangerous. The statement states that while both of them are essential for a positive development, the lack of integrity is something that is worse than knowledge.

I agree with the above stand. For instance, in civil services, while lack of knowledge would not lead to an efficient allocation of resources, integrity ensures that the allocation is fair and transparent, maintaining the trust of the public. However, when there is knowledge without integrity, the same can be used to meet personal ends despite mechanisms of transparency and accountability and presence of RTI, Courts, CVC, etc. as was seen in the case of 2G spectrum or the Saradha scam. Additionally, while knowledge can be imparted through adequate training, the loss of precious resources and trust caused due to dishonest decisions cannot be recovered. Therefore, while knowledge is essential, integrity is non-negotiable.

(b) “Human beings should always be treated as ‘ends’ in themselves and never as ‘means’.” Explain the meaning and significance of this statement, giving its implications in the modern techno—economic society. (10 Marks) (150 Words)

The given statement by Aristotle indicates the importance of treating every human being equally. It means that by virtue of being human, every person has dignity and value that must be respected. This necessitates that humans should not be used solely to fulfil certain purposes, as it diminishes the person to the status of an inanimate object.

The modern techno—economic society, primarily based on capitalist values, displays several instances where humans are used for what they can do, without attributing them the status of “end.” Industrialists view workers as simply tools for production, businessmen see customers as simply consumers of their products, all companies see humans simply as inputs that can be replaced or as data sets they generate. Such a pattern is rapidly taking over every aspect and creates a one—dimensional utility focused image of humankind, stripping humans of all other aspects such as emotions, preferences, tastes, privacy, etc.

Therefore, this statement has become all the more relevant in the present day context.

8. (a) Which eminent personality has inspired you the most in the context of ethical conduct in life? Give the gist of his/her teachings. Giving specific examples that describe how you have been able to apply these teachings for your own ethical development. (150 Words)(10 Marks)

(b) There is a heavy ethical responsibility on the public servants because they occupy positions of power, handle huge amounts of public funds, and their decisions have wide—ranging impact on society and environment. What steps have you taken to improve your ethical competence to handle such responsibility? (10 Marks) (150 Words)

Answer (a)

M K Gandhi, the Father of the Nation, has inspired me the most in the context of ethical conduct in public life. In his autobiography “The Story of my Experiments with Truth,” he has recorded several personal experiences which influence and shape reader’s mind and his personality. In my personal life, I have greatly been benefitted by his teachings. The gist of his

teachings emphasises a strong sense of purpose, importance of building character, ultimate role of our everyday choices and actions in shaping our destinies, channelizing anger meaningfully, the power of a dream, leading by example, the power of conscience, the importance of trust, the powers of ideals, personal honesty, and authenticity, and most important the power of prioritizing.

The most important life lesson is channelizing anger by deciding to stay back in South Africa and to fight back through non—violent means when thrown away from the first class compartment of the train due to racial discrimination. It always reminds me to stay focussed on worthy aims.

Answer (b)

Civil servants are responsible for provision of resources and benefits, policymaking and their implementation, grant of permissions, licenses, and are custodians of public funds and resources. Therefore, their actions have a huge impact on the society and this increases the need to follow highest ethical standards in public life. Following it, I have consciously taken following steps towards maintaining these ethical standards in my public life

1. Internalization of the concepts of ethics, pondering over the philosophies of great thinkers, especially Gandhiji and their application in my day—to—day decision—making

2. Increasing empathy towards others and improving sensibilities towards diversity

3. Cultivating integrity and honesty

4. Inculcating transparency in my lifestyle

5. Increasing emotional intelligence to identify emotions and ethical values

6. Developing a strong sense of purpose to lead an ethical life

7. Taking personal responsibilities

8. Leading by my own example

9. Watching thoughts

10. Establishing the feeling of trusteeship of the resources at my disposal

9. (a) The current society is plagued with widespread trust deficit. What are the consequences of this situation for personal well—being and for societal well—being? What can you do at the personal level to make yourself trustworthy? (10 Marks) (150 Words)

The current society is plagued with trust deficit, which can be seen from a general deterioration of trust in the intentions of human beings, where we seek to pursue ulterior motives. This mistrust is reflected in the interaction of public and the Government functionaries in the form of corruption, in the interaction of executive and judiciary in erstwhile NJAC, in the increasing number of litigations, etc.

This lack of trust in the society has adverse consequences for both personal and societal well-being. The personal being is severely impacted as the interpersonal relations become less secure and fail to provide comfort and emotional support. It can lead to isolation, loneliness, dissatisfaction, depression and thereby can seriously affect the quality of life. Societal well-being is also adversely affected. Society is responsible for the formation and spreading various norms, and establishing order and predictability. When the trust among individuals fails, there is chaos in the functioning because of a lack of expected behaviour, giving rise to tensions and conflicts in the functioning.

At a personal level, one can cultivate trustworthiness by building certain traits:

1. Cultivating Integrity—having congruence between our thoughts, speech and action
2. Transparency—Not being secretive in our dealings
3. Practising honesty
4. Building a greater connect with our inner conscience
5. Warding off ill feelings about others
6. Being more secure and content

Trustworthiness is inextricably linked to the presence of ethics; thus, it demands development of universalization in the society. In the present era, social media and other entertainment medium can be of great use in spreading these values.

(b) It is often said that poverty leads to corruption. However, there is no dearth of instances where affluent and powerful people indulge in corruption in a big way. What are the basic causes of corruption among people? Support your answer with examples.(10 Marks) (150 Words)

Corruption is an enemy of the nation. There are numerous instances such as the 2G spectrum case, CWG scam, and others indicating that the basic cause for corruption is not just need, but an insatiable greed. Greed is

generally considered to be a fundamental human trait and a reason for our material development. It, however, becomes harmful when it overpowers integrity, compassion, and selflessness, etc. giving way to corruption. Other causes of corruption include:

- Lack of morality: When the inner conscience is weak and the human values are loosely grounded, corruption becomes a value neutral activity.
- Lack of societal disapproval: Decreasing taboo on corruption and its increasing acceptability as a norm in the society contributes to the spreading of this malaise.
- Lack of accountability in the system.
- Decreasing spirit of public service in society in general.
- Lack of adequate compensation encourages people to resort to unethical practises to support their needs.

10. What factors affect the formation of a person's attitude towards social problems? In our society, contrasting attitudes are prevalent about many social problems. What contrasting attitudes do you notice about the caste system in our society? How do you explain the existence of these contrasting attitudes? (10 Marks) (150 Words)

Attitude is a behavioural manifestation of inner thoughts, beliefs, and values of a person. It is shaped by various things in the socialization process of an individual including family, friends, school, teachers, religion, community, society and his personal experiences.

Contrasting attitudes about the caste system in our society

- Seeking reservation in services by certain castes and its opposition by others
- Certain groups within the society prefer equality within the castes, but at the same time are against commensality and Inter—caste marriages.
- Khap panchayats seek to vehemently enforce the caste system and prohibit any interaction and mobility between their castes while other castes have no objections to inter—caste marriages.
- The presence of different attitudes towards the caste system in India can be attributed to the fact that India is in a state of transition from the past practices. This is exacerbated by the difference in economic development, educational attainment, exposure, familial and societal upbringing that imbue different values in different individuals. However, it is also true that now we support substantial equality between castes.

11. What does ‘accountability’ mean in the context of public service? What measures can be adopted to ensure individual and collective accountability of public servants? (10 Marks) (150 Words)

Accountability in the context of public services means the answer ability of civil servants for their actions. It is an instrument to attach responsibility and liability and at the same time to evaluate performance in terms of goals. Accountability for a public servant can be done once there is freedom of information. Therefore, it is essential that there be easy availability and exchange of information within and outside the government. Additionally, there should be a provision for feedback and efficient grievance redressal in this regard.

Individual accountability can be ensured through adherence to code of conduct rules, supervision by the seniors, inspections of official discharge of functions, annual confidential reports, departmental inquiry, promotions/demotions/suspensions, vigilance and annual/monthly review meetings, among others.

Besides legislative scrutiny, strengthening of public scrutiny through debates and participation on government platforms can improve the collective responsibility of civil servants. Frequent on the job training may also be imparted to motivate for adhering to ethical standards.

12. We are witnessing increasing instances of sexual violence against women in the country. Despite existing legal provisions against it, the number of such incidences is on the rise. Suggest some innovative measures to tackle this menace. (10 Marks) (150 Words)

Sexual violence in the form of rape, marital rape, molestation, sexual harassment at workplace, eve teasing, or stalking is on a rise in our country. This is despite strict penal laws, strengthened after the amendment of the Indian Penal Code post the Nirbhaya incident. Criminal deterrence has not been an effective tool to curb sexual violence mainly due to three reasons:

- a) Lack of a strong implementation mechanism at the level of both police and the Courts.
- b) The psyche ingrained in patriarchal thoughts that includes objectification of women, harassment by the enforcement agencies.
- c) Social stigma associated with the victims of sexual violence.

MEASURES TO TACKLE THIS MENACE:

1. Awareness campaigns to teach boys from a young age, at their school level to (a) respect bodily integrity and (b) to treat women like their equals. Parents ought to take an active part in imparting the right kind of mentality to their children.

2. Awareness and education campaigns in strengthening women to come out and report the activities.

3. Late night vigils. For example, Kiran Bedi scouted Puducherry streets at night as a commoner to check the safety of women. Similarly, alongside the executive machinery, if residents of a locality pledge to rotate turns and scout their area after dark, the area becomes much safer. Half an hour of one person's time once a month would double the security of a locality.

4. Organization of compulsory self—defence training camps for women.

5. Presence of CCTV cameras in streets more prone to such incidents.

6. Presence of a robust quick emergency response team and a dedicated helpline number.

Section B

In the following questions, carefully study the cases presented and then answer the questions that follow:

Question 9: Nowadays, there is an increasing thrust on economic development all around the globe. At the same time, there is also an increasing concern about environmental degradation caused by development. Many a time, we face a direct conflict between development activity and environmental quality. It is neither feasible to stop or curtail the developmental process, nor it is advisable to keep degrading the environment, as it threatens our very survival.

Discuss some feasible strategies which could be adopted to eliminate this conflict and which could lead to sustainable development. (20 Marks)(250 Words)

It is often considered that development and environment pull in the opposite directions and are antithesis to each other. However, any development that does not take into account environmental preservation is only short lived. Environmental degradation not only reduces the present quality of life but also adversely affects the future generations. It is in this context that the need for sustainable development arises.

Some of the feasible strategies to achieve these twin objectives include:

1. Every project should undergo a mandatory environmental impact assessment by an expert body to evaluate the likely environmental impact.
2. Categorization of industries as per their pollution levels and deciding their geographical location accordingly.
3. There is an urgent need for optimal utilization of resources since there is a resource constraint. In this regard, use of Bureau of Energy Efficiency (BEE) standards, PAT scheme, can be helpful.
4. In the energy sector, there should be a shift to sustainable renewable energy sources like solar, wind, etc.
5. Incentivization and encouragement of the competitive spirit to promote innovation in the field of environmental conservation.
6. Every new project should be approved by the expert agency on the condition that a green belt shall be developed and maintained by it on its own expenditure

7. Minimum damages to the environment be done while establishing new industrial projects and this should be ensured by the expert body.

It is the need of the hour that immediate actions should be taken to prevent escalating environmental problems resulting into sudden climate changes throughout the globe causing huge devastations.

Question 10: Suppose one of your close friends, who is also aspiring for civil services, comes to you for discussing some of the issues related to ethical conduct in public service. He raises the following points. Critically analyse the above viewpoints. On the basis of this analysis, what will be your advice to your friend? (20 Marks) (250 Words)

(i) In the present times, when unethical environment is quite prevalent, individual attempts to stick to ethical principles may cause a lot of problems in one's career. It may cause hardship to the family members as well as risk to one's life. Why should we not be pragmatic and follow the path of least resistance, and be happy with doing whatever good we can?

In any profession, the path of least resistance will be easier for an individual. However, it would lead to compromise of required ethical standards in public life affecting society as a whole adversely. A civil servant should perform his duties honestly, without fear and favour. He should never forget that good governance for the overall betterment of the people is the primary goal of civil service, and he has to act objectively and impartially in all circumstances. He has to be accountable for all his decisions and has to be transparent in his decision—making. The civil service is not a business where every work is being done with profit motive. Instead, it is a responsibility that is bestowed upon an individual by the Government to discharge the executive functions. It is, therefore, incumbent upon the civil servant to discharge his duties ethically. While the path of least resistance may be easier, it is difficult to reconcile with the inner conscience, which pricks knowing that the wrong is continuing to happen because of our silence. Therefore, following this path results into mental instability and remorse. Therefore, despite the hardships, a civil servant would enjoy inner peace and real happiness while following ethical standards in his day to day work.

We frequently come across disturbing news of punishment to public servants who neglected their basic duties and compromised with unethical

values to please their surroundings. These unfortunate circumstances simply reflect violation of ethical standards expected from him.

(ii) When so many people are adopting wrong means and are grossly harming the system, what difference would it make if only a small minority tries to be ethical? They are going to be rather ineffective and are bound to get frustrated.

First, the given fact in itself does not appear to be correct. While many people may be doing wrong, it does not mean that the majority is involved in these activities. There are numerous examples to that inspire hard work, dedication, and honesty in civil services. Second, the inner conscience remains unsatisfied with the result obtained through wrong means. It is satisfied only when the results are based on required ethical values. Therefore, irrespective of result, the peace of mind demands an ethical behaviour throughout in the career of a civil servant. Third, we should never forget the famous quote of M K Gandhi that we must be the change we wish to see in the world. The small minority can bring significant changes in the system and at the same time inspire others to follow suit, either within the Government or outside. Last, even one individual, if benefitted, due to ethical actions, is worth the effort.

(iii) If we become fussy about ethical considerations, will it not hamper the economic progress of our country? After all in the present age of high competition, we cannot afford to be left behind in the race of development

While it may result in delays at times, those delays are essential to ensure that all are benefitted equitably. Economic development *per se* is not the aim but is a mean to bring about equitable distribution of benefits to the public. Second, the cost of ethical principles for a short—term gain can become a slippery slope creating further problems. Lastly, as seen in several examples in the cases of Satyam, or Rajat Gupta, a development at the cost of ethical principles is only short lived and that too at the detriment of society at large.

(iv) It is understandable that we should not get involved in grossly unethical practices, but giving and accepting small gratifications and doing small favours increases everybody's motivation. It also makes the system more efficient. What is wrong in adopting such practices?

A civil servant should be trustworthy. He should exhibit integrity. It is only when this happens that the organizational integrity and goodwill increases. While these things are intangible, these are equally or at times more important in the sustainable functioning of the system than efficiency and thus cannot be compromised. The committee on prevention of corruption (Santhanam Committee, 1964) categorically recorded that the deterioration in the standards of public life has to be arrested. It went on to record that ways and means have to be found to ensure that idealism and patriotism have the proper place in the ambition of our youth. Based on these findings, Central Civil Services (Conduct) Rules, 1964, were issued by the Government of India in 1964. These rules have to be followed by every specified Government servant. Rule 13 of these rules specifically provide that no Government servant can accept or permit any member of his family or may other person acting in his behalf to accept any gift. Gift for this rule includes free transport, boarding, lodging, or other service or any other pecuniary advantage provided by any person other than a near relative or personal friend.

Being a Government servant, indulging in these activities is strictly prohibited under these rules, and should never be resorted to.

Question 11: You are a no—nonsense, honest officer. You have been transferred to a remote district to head a department that is notorious for its inefficiency and callousness. You find that the main cause of the poor state of affairs is the indiscipline of a section of employees. They do not work themselves and also disrupt the workings of others. You first warned the troublemakers to mend their ways or else face disciplinary action. When the warning had little effect, you issued a show cause notice to the ringleaders. As a retaliatory measure, these troublemakers instigated a woman employee amongst them to file a complaint of sexual harassment against you with the Women's Commission. The Commission promptly seeks your explanation. The matter is also publicized in the media to embarrass you further. Some of the options to handle this situation could be as follows:

(i) Give your explanation to the Commission and go soft on the disciplinary action.

(ii) Ignore the commission and proceed firmly with the disciplinary action.

(iii) Brief your higher—ups, seek directions from them and act accordingly. Suggest any other possible option(s).

Evaluate all of them and suggest the best course of action, giving your reasons for it. (20 Marks)(250 Words)

In the given situation, I am faced with a dilemma of either protecting my personal interests of reputation and peace of mind, or addressing the problem of hooliganism in office.

(i) While tendering an explanation is supposed to be done, going soft on the disciplinary action cannot be chosen. This will embolden the troublemakers further and would set a bad precedent for the organization and its employees. Such malicious prosecutions may happen in the future as well, therefore, it is important to continue on the principled path.

(ii) Ignoring the commission will be harmful to both my reputation and my career prospects. It would also amount to initiation of proceedings against me. However, taking a strict action against the troublemakers is advisable, even at the cost of mental peace.

(iii) The third option is suitable. Briefing seniors keeps them in loop and ensure support in times of need. This will also highlight the problems in the department and allow the offloading of the entire blame from me by the troublemakers. At the same time, their experience will help me deal with this situation in a better manner. However, I should not blindly follow their directions and should maintain my ethical principles.

An appropriate solution would be to write to the commission tendering an explanation, initiating strict action against the troublemakers, keeping the seniors and colleagues in loop and asking for advice, while at the same time being calm and composed in my dealings.

Question 12: Suppose you are the CEO of a company that manufactures specialized electronic equipment used by a government department. You have submitted your bid for the supply of this equipment to the department. Both the quality and cost of your offer are better than those of the competitors. Yet the concerned officer is demanding a hefty bribe for approving the tender. Getting the order is important for both you and your company. Not getting the order would mean closing a production line. It may also affect your own career. However, as a value—conscious person, you do not want to give bribe. Valid arguments can be advanced both for giving the bribe and getting

the order, and for refusing to pay the bribe and risking the loss of the order. What those arguments could be, could there be any better way to get out of this dilemma? If so, outline the main elements of this third way, pointing out its merits. (20 Marks)(250 Words)

The case shows an ethical dilemma between personal ethics and professional interest. It also shows a conflict between morals and overall organizational interest.

Arguments in favour of giving the bribe:

(i) Securing the order will lead to organizational growth and personal career growth.

(ii) In the absence of bribe, somebody else might give it, in which case, a substandard good for a higher price will go to the end consumers

(iii) Not giving the bribe will lead to closure of production line, which would lead to unemployment of a large number of workers.

Argument against giving of bribe:

(i) It is a legal offence to participate in the giving of bribe.

(ii) It can lead to personal arrest, loss of employment, and reputation in case it is revealed.

(iii) While the contract may be awarded in the short run, this runs the risk of disclosure in the future which would hamper organizational interests.

(iv) It would lead to a loss of organizational integrity.

(v) It sets a wrong precedent by encouraging such demands by corrupt officers.

(vi) It will be harmful to the society in the long run as the burden of excessive costs and the spread of the malaise of corruption will be borne by them.

(vii) It is our moral duty to take necessary action to prevent unethical practices.

(viii) Being a conscientious person, it would prick my conscience.

One option that could reconcile the two interests could be that the CEO should file a complaint against the officer—seeking bribe before the appropriate authorities including the CVC and request a replacement officer to handle the present procurement. Additionally, I can use the tool of RTI to ensure that in the meantime or after, there is no procedural irregularity that is done as a consequence of this action. This would serve all interests.

Question 13: Rameshwar successfully cleared the prestigious civil services examination and was excited about the opportunity that he would get through the civil services to serve the country. However, soon after joining the services, he realized that things are not as rosy as he had imagined. He found a number of malpractices prevailing in the department assigned to him. For example, funds under various schemes and grants were being misappropriated. The official facilities were frequently being used for personal needs by the officers and staff. After some time, he noticed that the process of recruiting the staff was also not up to the mark. Prospective candidates were required to write an examination in which a lot of cheating was going on. Some candidates were provided external help in the examination. Rameshwar brought these incidents to the notice of his seniors. However, he was advised to keep his eyes, ears and mouth shut, and ignore all these things which were taking place with the connivance of the higher—ups. Rameshwar felt highly disillusioned and uncomfortable. He comes to you seeking your advice. Indicate various options that you think are available in this situation. How would you help him to evaluate these options and choose the most appropriate path to be adopted? (20 Marks)(250 words)

In the given situation, Rameshwar has the following options available:

- Ignore the malpractices: While his job will remain secure and he might gain confidence in the eyes of his seniors, this will not be good for his inner conscience and mental peace, especially because it trumps the very reason why he joined the service. Additionally, it is not good for the society at large. Therefore, not a very suitable option.
- Resign from the job: This posits an escapist attitude towards problems and therefore should not be chosen. Additionally, it does not have any material advantage, as the corruption would continue to take place in his knowledge.
- Refuse to be a party to the malpractices by taking effective action on the files against the wrongdoers: This would be a step towards stopping them but would lead to loss of reputation and increased animosity in the workspace against him
- Bring the matter to the knowledge of the higher authorities in writing with supporting documentary evidences: This is a suitable option as it will bring

to book all the people involved in this corruption scandal and set a deterrence for the society.

- Come up with changes in policy that reduce human discretion and make the things more digitized, by suggesting it to the senior authorities, to the Government through proper channel. This solution is constructive in nature that balances all interests, while not apparently seeming to be something that is rebellious or done by whistle blowing.

The last two options may be chosen simultaneously to serve the interests.

Question 14: In our country, the migration of rural people to towns and cities is increasing drastically. This is causing serious problems both in the rural as well as in the urban areas. In fact, things are becoming really unmanageable. Can you analyse this problem in detail and indicate not only the socio—economic, but also the emotional and attitudinal factors responsible for this problem? Also, distinctly bring out why—

- (a) educated youth are trying to shift to urban areas
- (b) landless poor people are migrating to urban slums
- (c) even some farmers are selling off the, land and trying to settle in urban areas taking , petty jobs

What feasible steps can you suggest which will be effective in controlling this serious problem of our country? (20 Marks)(250 words)

Migration from rural to urban and semi urban areas has been both a pull and push phenomenon, which happens because of either adversity in rural areas or a perception of a better life in urban areas.

Socio—economic factors responsible for this problem:

- Lack of employment opportunities
- Lack of good quality education and health facilities available
- Presence of rigid caste system
- Presence of a more restrictive society

Emotional and attitudinal factors responsible for this problem:

- Influence of movies and social media that glorifies urban life.
- Want of greater autonomy and independence.
- Association of wealth with living in urban areas.

(a) Reasons why educated youth are trying to shift to urban areas

Educated rural youth tend to shift to cities for improved job, education, and economic opportunities. Additionally, social conservatism of villages is

often too restrictive for youth who prefer anonymity and freedom in cities.

(b) Reasons why landless poor people are migrating to urban slums

Landless poor migrate to urban slums both due to lack of economic opportunities for subsistence in rural areas, and due to the expectation of better living, earning, health and education opportunities in a city.

(c) Reasons why even some farmers are selling off the, land, and trying to settle in urban areas taking petty jobs.

Fragmentation of lands, decreasing productivity, changing cultures towards urban life, availability of ready buyers and the want of steady income, are factors that lure people to sell.

Steps that can be taken to tackle this problem:

(i) Creation of adequate employment opportunities government schemes like MNREGA.

(ii) Investment in agriculture to increase productivity and creation of a cooperative model for marketing.

(iii) Availability of infrastructure, both physical such as roads and social such as schools, hospitals.

(iv) Use of technology to bring all amenities to their doorstep.



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**UPSC CIVIL SERVICES (MAINS) EXAMINATIONS
2015**

**Paper IV—Ethics, Integrity and
Aptitude
Model Answers**

A Lesson on Controlling Anger

“The constable came. He took me by the hand and pushed me out. My luggage was also taken out. I refused to go to the other compartment and the train steamed away. I went and sat in the waiting room, keeping my hand—bag with me, and leaving the other luggage where it was. The railway authorities had taken charge of it.

I began to think of my duty. Should I fight for my rights or go back to India, or should I go on to Pretoria without minding the insults, and return to India after finishing the case? It would be cowardice to run back to India without fulfilling my obligation. The hardship to which I was subjected was superficial – only a symptom of the deep disease of colour prejudice. I should try, if possible, to root out the disease and suffer hardships in the process. Redress for wrongs I should seek only to the extent that would be necessary for the removal of the colour prejudice.”

—M K Gandhi to himself when thrown out of the first class compartment of the train at Pietermaritzburg station, South Africa

M K Gandhi stood for his principles and suffered the hardships of racial prejudices. When insulted, he had the options to pocket the insult or to return to India. Without any anger, and with a cool mind he decided to fight back against the racial discrimination without nurturing any personal rancor against anyone. In South Africa, series of bitter experiences taught him the supreme lesson to control anger in every circumstance. He knew very well that controlled anger could be transmuted into a world moving power.

"Anyone can become angry—that is easy. But to be angry with the right person, to the right degree, at the right time for the right purpose, and in the right way—this is not easy."

—Aristotle

Section A

1 (a) what is meant by ‘environmental ethics’? Why is it important to study? Discuss any one environmental issue from the viewpoint of environmental ethics. (150 words)(10 marks)

Environmental ethics refers to the adherence of ethical values in the relationship of humans with the environment, which has also been manifested in the form of principles like ‘Polluter pays’, ‘precautionary principle’ and public trust doctrine.

There is a need to study environmental ethics and to imbue them in our interactions with nature as bereft of them, there will be over utilization, contamination, and degradation of natural resources and the environment. Not only does this damage nature, it also leads to scarcity of utilizable resources, rise in tensions and conflicts, decrease in quality of life and would ultimately, endanger human survival.

The issue of climate change can be viewed with the prism of ethics. Ethical values necessitate us to take immediate action towards mitigation and adaption owing to the principle of intergenerational equity. Since we are trustees of resources, it is our ethical duty to sustain the quality of life for our future generations and, therefore, to restrict the greenhouse gas emissions.

(b) Differentiate between the following (10 Marks) (200 Words)

(1) Law and ethics

Both law and ethics are guides to human conduct, which delineate the right from the wrong. However, the nature and content of these differ. While law is a codified set of principles that is created or recognized by a Sovereign authority, ethics are usually uncoded values that develop over the time and are seen as customs that ought to be followed. While law is backed by sanctions of an authority, which may include fines and punishment, ethics are backed by societal sanctions such as displeasure, loss of reputation or ostracism. It is said that while the life of law is logic, the life of ethics is experience.

(2) Ethical management and management of ethics

Ethical management is the incorporation of ethics in management of a company or an entity, whereby the interests of all stakeholders are catered

to in an ethical manner. Ethical management, for instance, would include transparency and accountability, procedural fairness, gender equality, etc.

Management of ethics on the other hand is a personal/individual process of management of one's ethical principles, which involves identification of ethics, and their application in sound decision—making. It includes the ability of identifying ethical dilemmas and conflicts of interests, communicating with inner conscience and choosing the right path.

(3) Discrimination and preferential treatment

Both discrimination and preferential treatment involve a situation of differential treatment. Discrimination does involve the aspect of preferential treatment to the other party. However, the difference between the two lies in the basis of such distinction. When the differentiation is made with extraneous or irrelevant considerations, the party loses out on things for no reason and thus suffers discrimination. On the other hand, in certain cases, where distinction is made on relevant and rational grounds such as affirmative action for compensation of historical injustice or to the specially abled individuals, such distinction is justified and may only be called preferential treatment to the party getting special benefits.

(4) Personal Ethics and Professional Ethics

Personal ethics refers to standards of right and wrong that are societally influenced and are guiding forces of our actions in our personal interactions and relationships. These are individual dependent and are followed out of habit or fear of societal disapproval.

Professional ethics, on the other hand, are ethical values and conduct that is imposed by a profession or an organization and governs our actions in our professional interactions. These are common for individuals of the same profession and have a backing of sanction. While the two may overlap to a certain extent, they may differ in certain cases. For instance, while honesty and transparency are personal ethics, confidentiality even in case of revelation of incriminating information is a part of counsel's ethics.

2) Given are two quotations of moral thinkers/philosophers. For each of these bring out what it means to you in the present context.

(a) “The weak can never forgive; forgiveness is the attribute of strong.” (10 Marks) (150 Words)

The quote by Gandhiji confirms that mental strength of oppressed does not lay in resorting to violence but to forgive. He emphasizes that

forgiveness is a quality, a virtue or an attribute that only strong men can imbibe as it requires absolute composure and self—control. It is for this reason that it is also quoted that “to err is human, but to forgive is divine.”

This value of forgiveness is brought out in several quotes throughout history and is relevant more so in the present day context. In the context of civil services, it is often seen that social media is used to criticize the government, the State machinery and target certain individuals. For a civil servant, it is important to be able to forgive such acts and disassociate himself with his post and be able to continue public service. In the instance of activities such as cross border insurgency, etc., it is important for the country not to indulge in immediate reciprocity but to resort to diplomatic channels first as we have already seen in Doklam issue with China. This calculated abstinence can only be done by the virtuous and the strong as it involves an element of forgiveness.

(b) “We can easily forgive a child who is afraid of the dark; the real tragedy of life is when men are afraid of the light.” (10 Marks) (150 Words)

The given statement was made by Plato. The terms light and dark are used as metaphors to refer to the presence and the absence of knowledge. The statement signifies that while it is justified for a child, lacking maturity, to be afraid of dark owing to the fear of unknown, it is unjustified and tragic for an adult, with sufficient maturity and understanding to fear the light, a metaphor for truth and reality. It is when individuals intentionally stay away from reality or refuse to accept and act upon leading to the situation becoming out of hands and pitiable.

In the present day context, this statement is becoming increasingly relevant. In the case of climate change and refugee crisis, the lack of sufficient initiatives by various countries is an example of this fear. This statement also supports Gandhiji’s Talisman – “when you do not oppose injustice, you are part of it.”

3) (a) “A mere compliance with law is not enough, the public servant also have to have a well—developed sensibility to ethical issues for effective discharge of duties.” Do you agree? Explain with the help of two examples where (i) an act is ethically right, but not legally and (ii) an act is legally right, but not ethically. (10 Marks) (150 Words)

While a civil servant is supposed to be a man of procedure and to implement the law, it is also important for him to have a well—developed sensibility towards ethical issues. It is important to implement the spirit of the law and not merely the letter of law, as laws are ultimately aimed at public welfare. For a civil servant, it is important to be able to understand and appreciate the gravity of situations and empathize with the needs and grievances of individuals and communities. A blind towing of procedure does not allow this effective discharge of duties.

(i) An old lady falling within the required parameters of a scheme, does not instantly have documents. She, therefore, may not be eligible for the benefits of the scheme. Giving her the benefits of the scheme can be ethically right, but not legally.

(ii) On the contrary, an influential person may produce all the relevant documents to satisfy the immediate requirements of the scheme but is not a targeted beneficiary. In such a case, giving him benefits can be legally right, but not ethically.

(b) How do the virtues of trustworthiness and fortitude get manifested in public service? Explain with examples (10 Marks)(150 Words)

Trustworthiness is a trait that allows people to rely and be dependable on a person. Trustworthiness is an essential trait in civil services as they are the repository of trust of the public. They are responsible for the management of public resources, their efficient allocation, creation of policies and their implementation towards public welfare. Therefore, it requires a civil servant to be and appear to be a trust worthy personality in the public to maintain their confidence in the government. This trait is also needed as the civil servant is a part of the hierarchy and is reposed trust by both his seniors and juniors.

Fortitude is a mental and emotional strength in an individual that allows him/her to face adversity, difficulty and temptation in a courageous manner. This trait is required in decision—making by a civil servant since a situation may involve vested interests, malafide charges of alleged corruption, and may also have political interference, among other things. Strict adherence to rules and ethical values requires a person to be straightforward, clear and forthright in his dealings, which necessitates fortitude.

For example, in a situation where a police officer has to arrest a popular politician, he has to exhibit trustworthiness to his juniors while ordering them to make the arrest. At the same time, he requires fortitude to take the decision.

4) (a) Social values are more important than economic values. Discuss the above statement with examples in the context of inclusive growth of a nation.(10 Marks)(150 Words)

A high growth rate is often accompanied by an increase in economic inequality. In the case of India, as suggested by the Oxfam Report, 1% of the population controls 58% of the wealth. This showcases the need for inclusive growth where benefits of a growing economy are appropriated by everyone equitably. This necessitates the inclusion of social values in our ethos.

Social values like equity, no concentration of wealth, equal pay for equal work, distribution of resources in the best interest must be incorporated in the process of economic growth. In India, our Constitution in Article 23— Prohibiting *Begar* and other forms of forced labour, Article 43B – participation of workers, Article 39, all seek to imbue social values in our functioning. As propounded by Karl Marx, any economic development that is bereft of these social values perpetuates exploitation and must be abolished, or otherwise it will lead to a revolution. Additionally, the concept of human rights necessitates that social values and investment in social welfare of individuals is done to maintain the dignity of humans. Therefore, social values, in the present day context, have become more important than economic values.

(b) Some recent developments such as introduction of RTI Act, media and judicial activism, etc. are proving helpful in bringing about greater transparency and accountability in the functioning of the government. However, it is also being observed that at times the mechanisms are misused. Another negative effect is that the officers are now afraid to take prompt decisions. Analyse the situation in detail and suggest how the dichotomy can be resolved. Suggest how these negative impacts can be minimized.(10 Marks)(150 Words)

In an attempt to bring more transparency and accountability, many recent developments have taken place such as the introduction of Right to Information Act, 2005, judicial activism, etc. that seek to keep a check on

the government. However, these developments have led to certain unintended benefits: First, there is high misuse of these platforms, known as the 5Cs – CAG, CIC, CVC, Court and Channels, by different people. This has resulted in a scenario where some people misuse these to promote their vested interests. Additionally, it is seen that they are repeatedly used by a select segment of the society with the large majority being unaware of these provisions. Second, the misuse and overuse of these avenues have resulted in a hampering of the functioning of the government as they are overburdened with this leaving less time for core public administration, and secondly the increased vigil results discourages civil servants to change the status quo leading to policy paralysis.

This dichotomy can be resolved and the negative effects can be minimized in the following ways:

1. Frivolous use of such fora should be penalized.
2. Awareness campaigns to desist the same should be conducted.
3. Awareness should be increased so that the needy get benefits of these provisions.
4. Sufficient resources, personnel and infrastructure should be created to avert overburdening of government employees and consequent neglect of duties.
5. Training of officials to consider transparency and accountability as part of the process of decision—making instead of considering them as impediments.
6. Greater safeguards to civil servants against personal liability and damage of reputation to avoid policy paralysis.

5) Two different kinds of attitudes exhibited by public servants towards their work have been identified as bureaucratic attitude and the democratic attitude. (10 Marks)(150 Words)

(a) Distinguish between these two terms and write their merits and demerits.

Bureaucratic attitude is characterized by a strict adherence to rules and procedure, along with functioning in a hierarchical steel structure with absence of use of discretionary powers. It does not afford room for dissent or deviance. It has its merits in objectivity, and impartiality to the public. Additionally, it involves a sustainable and systematic functioning of the system for a long term. However, it has its demerits in lack of innovation,

delays in implementation and at times, an adverse effect to the public because of inflexibility of rules.

Democratic attitude, on the other hand, involves a willingness to say and listen to new ideas and dissent in the course of functioning. It is characterized by greater flexibility with the ultimate aim of reaching a consensus in the working. It has its merits in greater participation and consensus of the public, and of greater acceptance of the end result. However, it has its demerits in delay in decision—making awaiting consensus and a lack of order in functioning.

(b) Is it possible to balance the two to create a better administration for the faster development of our country?

It is possible to balance the two for the better administration of the country. While there should be presence and adherence of rules and procedures, it should not be at the cost of public welfare. Therefore, appropriate channels for a) transparency and b) exchange of information should be created for continuous interaction and development of these rules. This can also be done through leverage of technology through platforms such as mygov.in, etc.

6) Today we find that in—spite of various measures of prescribing codes of conduct, setting up vigilance cells/commissions, RTI, active media and strengthening of legal mechanism, corrupt practices are not coming under control. (10 Marks)(150 Words)

(a) Evaluate the effectiveness of these measures with justifications.

The presence of measures like RTI, active civil society and an alert citizenry have contributed significantly in bringing about transparency and accountability in public administration. Stipulations such as compulsory suo motu disclosure, RTI, grievance redressal mechanism have allowed a continuous check on the functioning of the government. For instance, the 2G spectrum case was disclosed by the use of RTI. The CVC and courts have at the same time afforded a platform for filing and redressal of complaints. Thus, a substantial change in the functioning of the government and more importantly, in the attitude of civil servants has been brought in recent times. However, still the reach of these provisions is limited and the awareness is not as widespread, owing to which the corruption is yet to be completely eradicated from the system.

(b) Suggest more effective strategies to tackle this menace.

- The fundamental cause for corruption is the weakened morals of individuals. Therefore, steps for value education should be taken at an early age
- Use of technology to reduce interactions and discretion can decrease corruption
- Training sessions in the organization
- More responsible and aware citizenry
- Inclusion of role of various stakeholders in the decision—making process
- Motivation to honest officials through rewards in the form of bonuses and out of turn promotions

7) At the international level, bilateral relations between most nations are governed on the policy of promoting one's own national interest without any regard for the interest of other nations. This leads to conflicts and tension between the nations. How can ethical consideration help resolve such tensions? Discuss with specific examples. (10 Marks)(150 Words)

International relations are said to be governed by the concept of realpolitik, where relations are borne out of pure self—interest of nations. This ideology creates a sense of competition among the countries, where power is seen as a zero sum game, leading to rise in conflicts and tensions across the world in the instances of cold war, cross border insurgency, territorial transgressions, etc.

Ethical considerations such as the Panchsheel principles can go a long way in resolving these tensions. Mutual respect for territorial integrity and sovereignty and Mutual non—aggression can help in deterring the parties from unjustified claims in South China Sea or Doklam. The infusion of the ethic of mutual non—interference in each other's internal affairs is important to ward off terrorism and support to cross border insurgency. Similarly, equality and cooperation for mutual benefit along with Peaceful coexistence would help the states to view individuals as ends in themselves and not means to an end in conducting relations such as oil diplomacy, the case of US invasion in Northern Iraq, etc. These will help states to collaborate for the collective development in matters of Climate change, health, education, etc.

It is these values that have also helped in resolving boundary disputes like India Bangladesh, creation of Red Cross, and the successful functioning of

WHO, among others.

8) Public servants are likely to confront with the issues of “Conflict of Interest.” What do you understand by the term “Conflict of Interest” and how does it manifest in the decision—making by public servants? If faced with the conflict of interest situation how would you resolve it? Explain with the help of examples. (10 Marks)(150 Words)

A conflict of interest is a situation of conflict between the private interests and the official responsibilities of a person in a position of trust. A conflict of interest may arise for a civil servant where his official duty runs in conflict with a pecuniary interest or a family interest he holds in personal capacity. For example, being on the recruitment committee, one of the applicants before me is my son. In such a scenario, I have a personal interest in him getting a job while I have a public interest in a fair and objective merit based appointment.

In such situations, the trustworthiness of a civil servant is seen to reduce owing to the cardinal rule that “a civil servant should not only be honest, but also appear to be honest.” Consequently, I would first, intimate the concerned authority of the presence of this situation and secondly, recuse myself off the task at hand.

Section B

9) A private company is known for its efficiency, transparency and employee welfare. The company though owned by a private individual has a cooperative character where employees feel a sense of ownership. The company employs nearly 700 personnel and they have voluntarily decided not to form union.

One day suddenly in the morning, about 40 men belonging to political party gate crashed into the factory demanding jobs in the factory. They threatened the management and employees, and also used foul language. The employees feel demoralized. It was clear that those people who gate crashed wanted to be on the payroll of the company as well as continue as the volunteers/members of the party.

The company maintains high standards in integrity and does not extend favours to civil administration that also includes law enforcement agency. Such incidents occur in public sector also. (20 Marks) (250 Words)

(a) Assume you are the CEO of the company. What would you do to diffuse the volatile situation on the date of gatecrashing with the violent mob sitting inside the company premises?

In the given situation, as the CEO of the company, I have to maintain the integrity of the organization, the morale of the workers, and at the same time ensure the functioning of the factory, and the safety of the workers. These set of competing interests can be secured in the following ways:

1. Immediate step would be to pacify the mob:
 - Inviting the leaders of the men politely to a separate room along with the respected workers of the company and the management.
 - I will try to make them understand that the company has a co—operative character and that working here requires a set of skills, without which the company will not be working profitably which is to the detriment of all present. Reflecting constructively would diffuse the situation. Additionally, I will state that the USP of the company is its integrity and non—partisanship. Their affiliation with the political parties would hamper the goodwill and would damage everyone. At the same time, I will provide them will all the necessary details of the process of selection that is followed by the company.

2. Meanwhile, arrange the necessary security by calling private security guards of the company and the workers present in the company to gain a negotiating power.

3. Call the law enforcement agencies to take necessary action to ensure that the miscreants are taken to book, the morale of the workers is not affected and to give a long—term message of deterrence.

In the event that the negotiation in the first point indicates the presence of efficient men in the mob and if there is a need in the company, I would also advice the company board to set up a training workshop using the CSR funds for all eligible youth of the locality including these men.

(b) What can be the long—term solution to the issue discussed in the case?

The long—term solution to the issue would be:

1. Presence of a transparent and objective selection process that is easy and convenient.
2. Creation of a training workshop where such mobs can be diverted.
3. Increasing the security of the premises.
4. Regular communication with local police for swift action in the future.
5. Conveying the incident to the concerned political party to ensure that the incident is not repeated.
6. Increase the goodwill in the locality by utilizing CSR funds in education and health sectors ensuring their moral support while conveying firmly that the selection process has to be followed.

(c) Every solution/action that you suggest will have a negative and a positive impact on you as (CEO), the employees and the performance of the employees. Analyse the consequences of each of your suggested actions.

POSITIVES

- On me as CEO – Would improve my respect among workers and the management for safeguarding the interests of the company and diffusing a violent situation through negotiation. It would further increase mutual trust and confidence, which will ultimately help in tackling any such future problems
- On Employees – As hostilities would go away, the employees would feel a sense of security. It would maintain their character as a group, which is a

close knit family.

- On performance of the employees – Creation of a positive and problem solving work environment, and seeing company's commitment to improving socio—economic conditions of neighbourhood by employing local youth and educating their children, will increase their loyalty and increase productivity.

NEGATIVES

- On me as CEO—

Giving the option of inclusion of some of the mob men can bring me in bad light.

The solution of utilization of CSR funds may incur costs that can reflect poorly on my financial management of the company.

It may also happen that during the negotiations there is a threat to my health.

- On Employees –

- Might be discouraged seeing the entertainment and acceptance of rowdy people in the company.

10) You are the Sarpanch of a Panchayat. There is a primary school run by the government in your area. Midday meals are provided to children attending the school. The headmaster has now appointed a new cook in the school to prepare the meals. However, when it is found that cook is from Dalit community, almost half of the children belonging to higher castes are not allowed to take meals by their parents. Consequently, the attendance in the schools falls sharply. This could result in the possibility of discontinuation of midday meal scheme, thereafter of teaching staff and subsequent closing down the school. (20 Marks) (250 Words)

(a) Discuss some feasible strategies to overcome the conflict and to create right ambiance.

This is an example of the practice of un—touchability that is both ethically and legally prohibited. Some of the feasible strategies that can be adopted include:

- (i) Calling a Gram Sabha meeting and discussing the legal consequences that may follow due to violation of law of the land

(ii) An awareness program should be carried out amongst children to ward off any feeling of ill will

(iii) Glorify the taste and sanitation of the cooks involved

(iv) Leveraging support from parents and villagers who are in support of the administration and using them as examples

(v) Spreading of public awareness and education to tackle the negative attitude towards caste system

(vi) In the long run, inter community events can be promoted

(b) What should be the responsibilities of different social segments and agencies to create positive social ambiance for accepting such changes?

The different social segments in the given situation include village elders and the Panchayat, parents, students, civil society, among others.

- The village elders have to ensure that calm and peace are ensured in the village. They can organize village level programmes for inter—community interaction and collective dinners where food is cooked by Dalit members.

- The parents should be encouraged to give positive message of equality and social harmony to children, with the help of teachers. Students on the receiving end can do their bit by spreading the messages amongst their peers.

- NGOs and civil society organizations can promote awareness and increase interactions and programmes for different communities.

- Police and district administration can be sensitized to tackle the issue with empathy.

11) One of the scientists working in the R&D laboratory of a major pharmaceutical company discovers that one of the company's bestselling veterinary drugs has the potential to cure a currently incurable liver disease which is prevalent in tribal areas. However, developing a variant of the drug suitable for human being entailed a lot of research and development having a huge expenditure to the extent of Rs. 50 crores. It was unlikely that company would recover the cost as the disease was rampant only in poverty stricken areas having very little market otherwise.

If you were the CEO, then (20 Marks) (250 Words)

Identify the various actions that you could take

As CEO of the company, I have to adhere to my obligations and professional ethics, which is to serve my company and to earn maximum profit. However, this should not be contradictory to my personal ethics which emanates from my societal obligations and my conscience. The possible actions that I may take include:

1. Bring to the notice of Board of Directors and discuss the pros and cons of this move, seeking to get permission to start this venture.

2. Will suggest a tie up with government healthcare services which can invest in the production of such medicines.

3. Will suggest inclusion of this in the CSR activities, as it will have the twin benefit of profit and public welfare.

(a) Evaluate the pros and cons of each of your actions

As the CEO, I am not entitled to take policy decisions without the approval of board of directors and, therefore, it is essential to consult them apprising them of the complete facts.

1. The first action of consultation with the board of directors may be seen in good light as it reflects my efforts to expand the business, but at the same time, it might see resistance on their part as the proposition is not financially sound.

2. This can be offset by the suggestions of the possibility of connecting with government healthcare services. This would be profitable in the long run for the company, as first it earns a goodwill and reputation, and second, it can get contracts in the future.

12) There is a disaster prone state having frequent landslides, forest fires, cloudbursts, flash floods and earthquakes, etc. Some of these are seasonal and often unpredictable. The magnitude of the disaster is always unanticipated. During one of the seasons, a cloudburst caused a devastating floods and landslides leading to high casualties. There was major damage to infrastructure like roads, bridges and power generating units. This led to more than 100000 pilgrims, tourist and other locals trapped across different routes and locations. The people trapped in your area of responsibility includes senior citizens, patients in hospitals, women and children, hiker, tourist, ruling parties, regional presidents along with his family, additional chief secretary of the neighbouring state and prisoners in jail.

As a civil services officer of the state, what would be the order in which you would rescue these people and why? Give Justifications (20 Marks) (200 Words)

Considering the vulnerabilities of the different sections of people trapped and their relevant circumstances, the following would be the order of rescue operations:

1. Patients in hospitals—as electricity and water supplies may be cut, their need for immediate health services is urgent and that cannot be delayed without risk to their lives.

2. Senior citizens, women and children—Being a more vulnerable segment with respect to physical strength, they are at a greater risk at damage due to adverse conditions.

3. Additional Chief Secretary and Ruling party's president with his family—the additional chief secretary can be an important asset in managing the disaster situation and can also help arrange the resources from neighbouring States. At the same time, the ruling party president will have some relations with the local authorities which might help in the evacuation process and any harm to his person and family may cause law and order problems in the State.

4. Tourists—being unaware of the topography, they are less equipped to deal with the situation at hand. However, they tend to have more supplies at hand to withstand the adverse situations for a longer period.

5. Prisoners in jail—being confined by the State, they are unable to rescue themselves. Therefore, there is a moral duty to rescue them and also to ensure that the situation is not used by them to escape incarceration.

6. Hikers—Being physically fit and carrying the necessary supplies with them for emergencies, they would be in the order of last priority.

Meanwhile, I will ensure that the work on infrastructure repair is started and continuous relief is airdropped to the hostages and normalcy is restored at the earliest.

13) You are heading a district administration in a particular department. Your senior officer calls you from the State Headquarters and tells you that a plot in Rampur village is to have a building constructed on it for a school. A visit is scheduled during which he will visit the site along with the chief engineer and the senior architect. He wants you to check out all the papers relating to it and ensure that the

visit is properly arranged. You examine the file which relates to the period before you joined the department. The land was acquired for the local Panchayat at a nominal cost and the papers showed that clearance certificates are available for two of the three authorities who have to certify the site's suitability. There is no certification by the architect available on file. You decide to visit Rampur to ensure that all is in the order as stated on file. When you visit Rampur, you find that the plot under reference is a part of Thakurgarh fort and that the walls, ramparts, etc., are running across it. The fort is well away from the main village, therefore, a school here will be a serious inconvenience for the children. However, the area near the village has potential to expand into a larger residential area. The development charges on the existing plot, at the fort, will be very high and question of heritage site has not been addressed. Moreover, the Sarpanch, at the time of acquisition of the land, was a relative of your predecessor. The whole transaction appears to have been done with some vested interest. (25 Marks) (250 Words)

(a) List the likely vested interest of the concerned parties.

In the given situation, it is clear that the land is unsuitable for construction of schools. The concerned parties include the Sarpanch, my predecessor and the certifying authorities.

Sarpanch—That this land for development of school be chosen so that he could later have an advantage when a residential colony is developed nearby.

Predecessor—case of impropriety where he may have gained monetary benefits in the allocation of such land. He may also have a benefit in having relations with the Sarpanch which could be later used to take a piece of the same land for residential purposes.

Certifying authority—Probability of illegal gratification for easy clearances cannot be ruled out in the given situation.

(b) Some of the options for action available to you are listed below. Discuss the merits and demerits of each of the options:

(i) You can await the visit of the superior officer and let him take a decision.

While it will save me from future investigations and help in better resolution of the matter by an experienced hand, it has the negative aspect

of delaying the project and carries an element of escapism.

(ii) You can seek his advice in writing or on phone.

The merit is of keeping the senior in loop and of expediency in decision making, however its demerits are inabilities due to constraints of both the mediums, and the lack of honest opinion on the part of the senior in this communication.

(iii) You can consult your predecessor/colleagues, etc., and then decide what to do.

This will make my decisions more informed, knowing the reason behind such discrepancies, however this might raise eyebrows and result in complication of the matters further.

(iv) You can find out if any alternate plot can be got in exchange and then send a comprehensive written report.

This has its merits for the villagers who would get a school, in bringing to book the miscreants and would include involvement of seniors. However, it has its demerits in delay in time and a risk in taking a stand against them.

Can you suggest any other option with proper justifications?

A combination of the first and fourth options above would help in availing all the benefits.

14) You are recently posted as district development officer of a district. Shortly thereafter, you found that there is considerable tension in the rural areas of your district on the issue of sending girls to schools.

The elders of the village feel that many problems have come up because girls are being educated and they are stepping out of the safe environment of the household. They are the view that the girls should be quickly married off with minimum education. The girls are also competing for jobs after education, which have traditionally remained in boys' exclusive domain, adding to unemployment amongst male population.

The younger generation feels that in the present era, girls should have equal opportunities for education and employment, and other means of livelihood. The entire locality is divided between sexes in both generations. You come to know that in Panchayat or in other local bodies or even in busy crosswords, the issue is being acrimoniously debated.

One day you are informed that an unpleasant incident has taken place. Some girls were molested, when they were en route to schools. The incident led to clashes between several groups and a law and order problem has arisen. The elder after heated discussion have taken a joint decision not to allow girls to go to school and to socially boycott all such families, which do not follow their dictate. (25 Marks)(250 Words)

(a) What steps would you take to ensure girls' safety without disrupting their education?

Ensuring girls' safety is of prime and paramount importance at this stage. I will ensure it by the following methods:

1. Contact the police and increase patrolling in the routes to schools.
2. Install CCTV Cameras and ensure street lighting in such areas.
3. Assuring girls and their families that the district is safe and encouraging them to continue with their education.
4. Provision of short self—defence training course and self—defence kits including pepper sprays to schoolgirls.
5. Eradicating the root cause of the problem through communication and mutual dialogue. In order to resolve the crisis, a meeting of the village elders and the leaders of the two groups can be called and the matters discussed. In it, the first priority shall be to ensure safety of the girls and to initiate society level actions. Second, attempt should be made to resolve the crisis by convincing the parties in favour of girl child education.

How would you manage and mould patriarchal attitude of the village elders to ensure harmony in the intergenerational relations?

The most suitable way to changing attitudes is through dialogue and communication. I would seek to call the leaders of both the generations and appeal to their logic, rationale, emotions and experiences to make them realize the importance of girl child education and tranquillity in the society. This can be done through highlighting of famous women personalities who have been responsible for bringing fame to not only their families but to their entire villages and State, such as Sunita Williams, etc. The attitudinal changes can also be brought about by campaigns such as Beti Bachao Beti Padhao. Additionally, instances can be cited where the developmental activities of women have generated large—scale employment in both the villages and society, refuting their myths of job loss.

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UPSC CIVIL SERVICES (MAINS)

EXAMINATIONS 2016

**Paper IV—Ethics, Integrity and
Aptitude**

Model Answers

Section A

1. (a) Explain how ethics contributes to social and human well-being. (10 Marks) (150 Words)

Ethics are a set of standards of right and wrong that govern human actions, thoughts and speech. Ethics contributes to social well-being in a number of ways. First, ethics create predictability in the society where certain behaviour is expected out of individuals. Second, ethical decisions go beyond the materialistic evaluations and ensure well-being of all, for example, the principle of equality is an ethical notion. Ethics also have a stabilizing effect on the society, as individuals become less selfish and more righteous. A well thought of decision influenced by the right morals, not only impacts the society, but also the individual himself, in a positive manner. The individual begins to have a deeper character and becomes more empathetic to different sensibilities. At the same time, it leads to peace of mind and contentment among individuals.

(b) Why should impartiality and non-partisanship be considered as foundational values in public services, especially in the present day socio-political context? Illustrate your answer with examples. (10 Marks) (150 Words)

While impartiality means not extending undue favours to any stakeholder, non-partisanship pertains to not being aligned to any political party or ideology. Both are considered foundational public service values for the following reasons:

1. India's constitutional principles, enshrined in the Preamble to the Constitution, include equality which envisages equal treatment and absence of privileges. Being responsible for application of laws, it becomes of prime importance that impartiality and non-partisanship are present as fundamental values.

2. This becomes all the more important in a socially, economically and politically diverse country such as India, where it is important to be viewed as neutral and objective.

3. Since a civil servant must discharge functions under political superiors, it is imperative that he should be politically non-partisan so as to ensure decision-making without fear or favour.

4. Civil servants are repositories of trust of the public because of which it becomes all the more important to not only be impartial, but also appear to be impartial.

Lastly, in the present day context because of the presence of a powerful media and a ubiquitous social media, it becomes important for the civil servants to maintain probity in their day—to—day life and imbue non—partisanship and impartiality as foundational values.

2. (a) What do you understand by the terms “governance,” “good governance” and “ethical governance?” (10 Marks) (150 Words)

Governance’ refers to the structures and processes in an organization that ensure its proper functioning. Its purpose is to ensure delivery of goods or services and meet organizational goals. For example, civil service rules are a part of governance for public servants.

“Good governance” is when governance upholds values like transparency, accountability, efficiency, effectiveness, etc. Thus, it better achieves organizational goals. For example, implementing the civil service rules fairly and dealing with infractions as per the rules is good governance.

“Ethical governance” is when governance is carried out according to ethical principles. Values like equality – among employees, clients, etc., or justice – giving each stakeholder their due, are upheld. All stakeholders have high moral standards. For example, if all public servants follow the civil service rules voluntarily, that would constitute ethical governance.

It is desirable for any organization to move from governance towards good governance and further towards ethical governance. Ethical governance is the most enlightened stage where all act according to their conscience and uphold ethical values in the organization.

(b) Discuss Mahatma Gandhi’s concept of seven sins. (10 Marks) (150 Words)

M K Gandhi outlined seven sins which every human should abstain from. These are,

1) **Wealth without Work:** It depicts making wealth by unfair means, by taking short cuts. Earning income without paying taxes results into corresponding deprivation to the common man.

2) **Pleasure without Conscience:** Happiness that is earned at the expense of others is a sin. A person’s selfishness motivates him to neglect the

interests of others.

3) **Knowledge without character:** Bruce Lee said, “Knowledge will give you power. Character gives you respect.” Character imbibes qualities of integrity and honesty in a learned man. This sin can make more Ladens and knowledge with character can make more Dr. Kalams.

4) **Business without morality:** This sin can make many suffer leading to poor working conditions, adulteration, lack of job security as well as inadequate compensation to the workforce.

5) **Science without humanity:** Pakistan has nukes but the socio—economic conditions of the nation are worsening constantly. Instead of concentrating on developmental activities, the precious resources are deployed in satisfying the whims of rulers.

6) **Religion without sacrifice:** Religion today has been reduced to mere practices and rituals. Not following the religious teachings of compassion, affection and brotherhood in our lives is a sin.

7) **Politics without principle:** The advent of money and muscle power, lack of conviction and principles in politics is a sin.

The idea of “welfare state” can be realized come when Gandhi’s vision be incorporated in all spheres of life.

3. (a) Analyse John Rawls’s concept of social justice in the Indian Context. (10 Marks) (150 Word)

John Rawls’s concept of social justice seeks to come out with a philosophy of distributive justice. It states that the most rational and impartial decision is taken from behind the veil of ignorance, which implies absence of knowledge of one’s social standing beforehand – gender, caste, religion, class, etc., ensuring absolute impartiality.

Indian context has myriad social identities such as caste, tribe, language, etc. across various States. Thus, the temptation to be parochial and narrow—minded is ever—present. So it’s imperative to bring fairness and rationality to solve protracted social issues, such as:

1. Fair and transparent decisions as to the reservation in services
2. Reconciling protections for minority communities with secularism
3. Protecting rights of tribal while ensuring their economic development
4. Social and legal reform to end patriarchal practices
5. Reforming personal laws while upholding freedom of religion

Rawls's concept, while very useful, should be supplemented with Amartya Sen's capability approach to bring wholesome social justice and allow all to lead meaningful lives.

(b) Discuss the Public Services Code as recommended by the second Administrative Reforms Commission (ARC). (10 Marks) (150 Words)

The second ARC has suggested a set of ethical values and principles to be inculcated in the training of civil servants and to be codified in a public services code. These principles are similar to the ones that have been included by the Nolan Committee Report and include:

1. Selflessness
2. Honesty
3. Accountability
4. Integrity
5. Leadership
6. Openness or transparency
7. Objectivity

These values are cardinal principles for a civil servant and are essential in the ethical and effective discharge of duties. This code attempts to act as a guiding light for the civil servants in their conduct and is also suggested to be implemented through a Public Services Authority.

4. (a) "Corruption causes misuse of government treasury, administrative inefficiency and obstruction in the path of national development." Discuss Kautilya's views. (10 Marks) (150 Words)

Kautilya was an ancient Indian author and statesman who set a personal example of ethical conduct in public affairs. His quote reflects the extent of damage caused by corruption.

1. **Misuse of treasury**— Corruption diverts public funds for private gain, e.g. a public servant pocketing part of funds for building a road and using poor quality material to reduce costs.

2. **Administrative inefficiency**— Corruption causes red tape (inordinate delay), and perpetuates the culture of bribe—seeking rather than focusing on work at hand. Those who say "bribe acts as oil in machinery" take a very short—term view because in the long—term it promotes a culture of inefficiency, e.g. PWD may be slow in work or use low quality material due to corruption.

3. Obstruction of development— Diversion of funds and inefficiency jeopardize public interest. Also, corruption causes the State to work for private interests of bribe—givers or influential people rather than for national interest. For example, red tapism and seeking bribe obstructs growth of businesses.

Thus, Kautilya's comments are appropriate and highlight the consequences of corruption. It categorically clarifies why corruption is totally unacceptable in a civilized society.

(b) How could social influence and persuasion contribute to the success of Swachh Bharat Abhiyan? (10 Marks) (150 Words)

Swachh Bharat Mission seeks to achieve cleanliness and sanitation by construction of sanitary toilets, solid liquid waste management and ensuring open defecation free India. However, the success of this campaign depends on an attitudinal change among the people. It has been seen that in a large number of households, despite the presence of toilets, the members of the family prefer to defecate in the open. This is primarily because cleaning of toilets is associated with lower castes and is seen with a negative attitude. Similarly, cleanliness is not a onetime process, but a continuous movement that can only be possible when the people associate the surroundings with their homes and make an effort to keep it clean and desist from throwing garbage. Consequently, social persuasion and influence can go a long way in contributing to the success of SBM, being achieved through awareness campaigns, leveraging the support of village elders, incentivizing people by rewarding ideal households, among others.

5. Law and ethics are considered to be the two tools for controlling human conduct so as to make it conducive to civilized social existence.

(a) Discuss how they achieve this objective.

(b) Give examples to show how the two differ in their approaches. (10 Marks) (150 Words)

Civilization demands that human conduct be restricted in certain ways. Both laws and ethics are means to achieve this purpose.

(i) Laws define the kinds of behaviour that are allowed and not allowed for citizens. They are backed by State authority. They regulate behaviour by threat of punishment.

Ethics also control behaviour by defining actions as good or bad. They create predispositions for certain behaviours and against others. They are

not enforced by the State but by individual conscience and social approval.

(ii) Laws and ethics differ in their approach to controlling conduct:

1. **Locus of control**—Laws have external locus in the state. Ethics have both internal (conscience) and external (social approval), e.g. A person may not take dowry due to his own conscience, not just for fear of law.

2. **Enforceability**—Laws are enforceable through State coercion whereas ethics are not enforceable coercively, e.g. murder is punished by the State, but lying is not.

3. **Source**—Laws originate through State authority. Ethics may come from family, school or workplace, religion and society at large.

4. **Specificity**—While laws usually regulate well—defined behaviours, ethics are more general in nature and can apply to any situation. For example, civil service rules prohibit taking gifts above specified amount.

5. **Effectiveness**—Laws are less effective in bringing compliance compared to internalized ethics. For example, a person is less likely to take dowry if he thinks it is morally bad, not just illegal.

6. Our attitudes towards life, work, other people and society are generally shaped unconsciously by the family and the social surroundings in which we grow up. Some of these unconsciously acquired attitudes and values are often undesirable in the citizens of a modern democratic and egalitarian society.

(a) Discuss such undesirable values prevalent in Today's educated Indians

The most undesirable value and attitude present in educated Indians is that of “nonchalance.” There's a growing indifference among the educated to acknowledge their privileges and contribute back to the society. There is a sense of entitlement, making them feel superior to the under—privileged. An egalitarian society cannot function with the educated masses being self—serving individuals, who learn and earn only for money.

The educated also seem to work for materialistic instant rewards. They seem to be losing the value of hard work, patience and honesty, in their attempts to quickly reap rewards and lead a comfortable life. The declining moral fibre is reflected in the rampant corruption witnessed nowadays.

Another undesirable value/attitude is that of “misplaced nationalism” in the name of which the educated are attacking the minorities going against their way of living. The idea of dictating/thrusting one community's sense of right and wrong upon another communities, believing own notions to be

superior, is far from the idea of an egalitarian democracy. The biggest example of the same is “beef ban” and consequent lynchings.

(c) How can such undesirable attitudes be changed and socio ethical values considered necessary in public services be cultivated in the aspiring and serving civil servants? (10 Marks) (150 Words)

First and foremost, serving bureaucrats need to put their self—interest last. Being repositories of great responsibility and power, they must use for the good of the region they are serving. Their reward is the upliftment of their region and the sense of internal satisfaction. This attitude can only be cultivated when students are, from a young age, educated about their privileges in the society. The teachings of Ashoka’s Dharma and Bhagwat Gita’s Karma need to be instilled from a young age. Thinking of great philosophers like JS Mill (On liberty) to teach one about the importance of non—interference in the private lives of others will work wonders in reducing the imposition of ones culture over the other. It’s only when one is educated right, is shown the misfortunes of others, taught to respect diversity, that they develop into more emphatic and rational individuals. With the imbibing of good values and a feeling of duty, ills like corruption would also slip down.

7. Anger is a harmful negative emotion. It is injurious to both personal life and work life.

(a) Discuss how it leads to negative emotions and undesirable behaviours.

Anger is a form of emotional dis—balance involving an extreme feeling of annoyance, displeasure, or exasperation. This feeling often consumes an individual and makes him/her lose the control over his reactions. In the personal sphere, it is the root cause of misery in family life stemming leading to negative emotions such as insecurity and jealousy, which are reacted to by physical and mental violence or resulting in alcohol/drug abuse. It leads to an air of negativity with unrest in the mind of the aggressor and annoyance in the mind of others. On the other hand, it also ruins work life. It may include over—dwelling on superiors’ conduct and venting on juniors, making the workplace uncondusive for productive work.

(b) How can it be managed and controlled? (10 Marks) (150 Words)

Aristotle said “Anyone can become angry— that is easy, But to be angry with the right person, to the right degree, at the right time, for the right

purpose, and in the right way—that is not easy.”

M K Gandhi proved it when he was thrown from his first class compartment of the train at Maritzburg station in South Africa due to racial discrimination. He was going to Pretoria to represent his client Dada Abdulla. He had the option to come back to India and to carry on his practice as an advocate. Instead, he channelized his anger in a constructive way and successfully fought against racial discrimination.

It is essential to learn to control it to maintain relationships and work productively. It can be managed and controlled in the following ways:

Long run—

1. By meditation
2. Self—exploration
3. Being less sensitive and more secure in one’s being

Short run—

1. Exercising or escaping the situation to calm down before expressing thoughts
2. Counting up till 10 before a reaction

Anger needs to be controlled before it controls the individual.

8. “Max Weber said that it is not wise to apply to public administration the sort of moral and ethical norms we apply to matters of personal conscience. It is important to realize that the state bureaucracy might possess its own independent bureaucratic morality.” Critically analyse this statement. (10 Marks) (150 Words)

Max Weber was an important bureaucratic thinker. Here, he states that bureaucracy may have different moral norms compared to individual people.

Arguments in favour of this position:

1. Bureaucracy has to deal with public issues such as order, peace, diplomacy, etc. and not interpersonal relationships. For example, it may be moral for the bureaucracy to lie to protect order.

2. Bureaucracy has to be consequentialist because its job is to produce desirable results. For example, executing people can be justified if they are a threat to the society.

3. Bureaucracy must uphold national interest, whereas moral individuals uphold only self—interest. For example, it may be moral to spy on other countries in national interest.

However, there are arguments against this idea:

1. The public is composed of individual people. Thus there is no qualitative change in morality. For example, telling lies is as immoral for the bureaucracy as anyone else.

2. Bureaucratic morality can be used as an excuse for any atrocity or malpractice committed by the State, e.g. invasion of Iraq

3. The values of personal morality are universal in application, e.g. truth and goodness, the golden rule, equality, etc.

4. Since bureaucracy seeks to improve human affairs, it cannot live in isolation from personal morality and will always be judged by universal principles of moral conduct.

Section B

9. A fresh engineering graduate gets a job in a prestigious chemical industry. She likes the work. The salary is also good. However, after a few months she accidentally discovers that a highly toxic waste is being secretly discharged into a river nearby. This is causing health problems to the villagers downstream who depend on the river for their water needs. She is perturbed and mentions her concern to her colleagues who have been with the company for longer periods. They advise her to keep quite as anyone who mentions the topic is summarily dismissed. She cannot risk losing her job as she is the sole breadwinner for her family and has to support her ailing parents and siblings. At first, she thinks that if her seniors are keeping quiet, why she should stick out her neck. But her conscience pricks her to do something to save the river and the people who depend upon it. At heart, she feels that the advice of silence given by her friends is not correct though she cannot give reasons for it. She thinks you are a wise person and seeks your advice.

(a) What arguments can you advance to show her that keeping quiet is not morally right?

The following arguments can be made to question the silence on this issue on moral grounds:

1. Keeping quiet in such a situation would tantamount to being a party to the crime. If not legally, ethically she is responsible for the health problems and loss of lives of the villagers.

2. Human life is second to none. Therefore, our possessions or professional achievements should not get priority

3. Fortitude or the ability to face adversity and difficult situations is an essential life skill and is used in every sphere of life. Such things will happen more often in her life and this silence will keep her mum for her entire life. It is important to take a stand in such a situation even at the cost of one's own peril.

4. While financial resources can be secured from elsewhere despite difficulty but loss of lives is irreversible.

5. We can easily forgive a child who is afraid of the dark; the real tragedy of life is when men are afraid of the light.

6. If she was on the receiving end in the given situation, her expectations and stand would have been different.

7. Lastly, she will always have mental remorse and lack of peace of mind in case she does not respond to her conscience in time.

(b) What course of action would you advise her to adopt and why? (20 Marks) (250 Words)

She has to secure two competing interests in the given situation. First, personal in nature where she has to secure her job, her financial resources, and ensure the wellbeing of her family; second, where she has to secure the safety of villagers and at a personal level, respond to her inner conscience. Ultimately, she has to remain at peace with herself at the longer run ignoring immediate short term perils.

The course of action that I would suggest for her in the given situation includes:

1. Trying to create a balance between both the interests by creating a win—win situation for all. Since she is an engineering graduate, she should try to explore the option of converting the toxic waste into a useful chemical, which may either include an input for the chemical industry or a by—product which can be sold. This solution can be presented to the management in the form of a business model. Not only would the solution be reached, she can be appropriately be rewarded by the management for her innovative approach.

2. Persuading her seniors to treat the toxic waste as per prescribed norms under the applicable environmental laws to prevent legal consequence creating a long term loss. It will lead to creation of goodwill in the nearby surroundings and satisfy legal requirements also.

3. If either of these does not work, then she should make her stand clear to the management that she is submitting her papers and filing complaint with the concerned authorities in her individual capacity including District Magistrate, Pollution Control Boards, etc. Meanwhile, she should initiate efforts to find an alternate employment.

10. Suppose you are an officer in—charge of implementing a social service scheme to provide support to old and destitute women. An old and illiterate woman comes to you to avail the benefits of the scheme. However, she has no documents to show that she fulfills the eligibility criteria. But after meeting her and listening to her you feel that she

certainly needs support. Your enquirers also show that she is really destitute and living in a pitiable condition. You are in a dilemma as to what to do. Putting her under the scheme without necessary documents would clearly be violation of rules. But denying her the support would be cruel and inhuman. a) Can you think of a rational way to resolve this dilemma? b) Give your reasons for it. (20 marks) (250 words)

The dilemma posed in the given case is between professional duty to follow rules, procedures and laws as opposed to the moral and ethical duty to help the destitute woman at the earliest.

The case posits three problems before the officer—

1) Securing immediate health, nutrition and other needs of the old and destitute woman, who does not possess any means of income or other support.

2) Long term benefits to the “deserving” woman by attempting to secure rights and entitlements under current government schemes.

3) Reassessment of rules and procedures to secure not just the need of the individual woman, but of the structural issues which prevents eligible and needy persons from attaining their rights and entitlements

For the first problem, it will be illegal for the collector to direct that the woman be given benefits without relevant documents or verification against the rules. Therefore, contacting local old age homes, NGOs for elderly or charitable hospitals to secure her immediate well-being must be carried out at the earliest.

As the remaining structural change requires changes in rules, it is prudent to give directions to staff to assist elderly and destitute in getting Aadhaar cards, and to streamline the process of securing birth certificates, BPL cards and old age pension benefits via NGO assistance through reduction of compliance mechanisms and to allow for time bound post facto verification of claims through government mechanisms.

Thus, by creating mechanisms for facilitating access to and availability of benefits and entitlements to the poor and deprived sections, the officer will avoid charges of “favouritism” in favour of a single person, and will enable large scale transformation and recognition of rights of others by cutting red tape and involving other stakeholders in the process of getting entitlements to rightful beneficiaries.

11. You are a young, aspiring and sincere employee in a Government office working as an assistant to the director of your department. Since you have joined recently, you need to learn and progress. Luckily, your superior is very kind and ready to train you for your job. He is a very intelligent and well—informed person having knowledge of various departments. In short, you respect your boss and are looking forward to learn a lot from him. Since you have good tuning with the boss, he started depending on you. One day due to ill health, he invited you at his place for finishing some urgent work. You reached his house and before you could ring the bell you heard shouting noises. You waited for a while. After entering the house the boss greeted you and explained the work. But you were constantly disturbed by the crying of a woman. At last, you inquired with the boss but his answer did not satisfy you. Next day, you were compelled to inquire further in the office and found out that his behaviour is very bad at home with his wife. He also beats up his wife. His wife is not well educated and is a simple woman in comparison to her husband. You see that though your boss is a nice person in the office, he is engaged in domestic violence at home. In such a situation, you are left with the following options. Analyse each option with its consequences. (a) Just ignore thinking about it because it is their personal matter. (b) Report the case to the appropriate authority. (c) Your own innovative approach towards the situation.(20 Marks) (250 Words)

Answer

The interests of the officer are well served by

1. Ensuring the dignity and the safety of the woman in the given circumstances.
2. Securing his own professional future.
3. Maintaining personal integrity and conscience.
4. Securing organizational integrity and reputation.

Option 1. I'll not ignore the matter as it will not live with myself in peace. Therefore, I will not choose this option.

Option 2. Reporting the case to the appropriate authority would be morally desirable as it satisfies the inner voice for securing justice for the uneducated wife. However, such a step would negatively affect organizational reputation given the possible removal of the Director.

Moreover, as the wife shares an “unequal” relationship with her husband, and may be unaware of her legal rights, or unwilling to utilize them, the case may not reach its desired end. It is not preferred.

Option 3. To secure the safety of the wife and sustainably improve domestic relationship to end violence, secure my career prospects and organizational interest, the following staggered strategy may be adopted.

i) Sending anonymous complaint to local women’s NGO and the National Women’s Helpline to contact, counsel and diagnose her with regard to immediate mental and physical violence, and to educate her about her social and legal rights.

ii) Informally and anonymously intimate the parents/relatives and immediate superior of the boss about the given conduct, and its potential consequences on his professional career, given the PWDV Act and Conduct Rules.

iii) In case the mistreatment continues, the local police can be informed through the NGO given that the wife is more aware and confident of her rights.

12. ABC Ltd. is a large transnational company having diversified business activities with a huge shareholder base. The company is continuously expanding the generating employment. The company, in its expansion and diversification programme, decides to establish a new plant at Vikaspuri, an area which is underdeveloped. The new plant is designed to use energy efficient technology that will help the company to save production cost by 20%. The company’s decision goes well with the Government policy of attracting investment to develop such underdeveloped regions. The government has also announced tax holiday for 5 years for the companies that invest in underdeveloped areas. However, the new plant may bring chaos for the inhabitants of Vikaspuri region, which is otherwise tranquil. The new plant may result in increased cost of living, aliens migrating to the region, disturbing the social and economic order. The company sensing the possible protest tried to educate the people of Vikaspuri region and public in general that how its Corporate Social Responsibility (CSR) policy would help overcome the likely difficulties of the residents of Vikaspuri region. In spite of this, the protests begin and some of the residents decided to approach the judiciary as their plea before the

Government did not yield any result. a) Identify the issues involved in the case b) What can be suggested to satisfy the company's goal and to address the residents' concern?(25 Marks) (300 Words)

Answer

The approach in drafting the policy would focus on their rehabilitation. It should be prepared in advance, considering their present skills and exploring further possibilities of enhancing their compatibility of new environment. Such proactive response from the management would ensure that people don't feel exploited and are not unjustly made to bear the burden while others (urban dwellers, industries, etc.) enjoy the fruits. This would reduce the chances of social unrest and upheaval amongst the people as happened in case of displacement in Narmada dam displacement.

Every proposed action for their settlement must be communicated to the affected people to retain their confidence in the Government. They should be encouraged to share their views and to suggest ways and means of industrial development and minimizing damage to the environment. They should be taken into confidence by exhibiting that prescribed norms are being followed to prevent any damage to neighbourhood.

Therefore, my policy in the given situation would be

1) To evaluate the skill set of people likely to be displaced before their displacement.

2) To try to certify their skills and in case of traditional crafts, link them to potential markets via Tribal Ministry avoiding middlemen aiming to make a revenue generating model out of their present skill set.

3) They may be encouraged to develop community owned resorts with Government assistance to sustain their livelihood.

4) People must be educated about ways and challenges of their new dwelling and Govt. can let them construct it according to their choices and compensate them against displacement.

5) They should be educated through media about the benefits of urbanization and investment by industrial houses as it leads to increased job opportunities, better opportunities of education to their dependants and enhanced living standards in general.

13. Saraswati was a successful IT professional in USA. Moved by the patriotic sense of doing something for the country she returned to India. Together with some other like-minded friends, she formed an

NGO to build a school for a poor rural community. The objective of the school was to provide the best quality modern education at a nominal cost. She soon discovered that she has to seek permission from a number of Government agencies. The rules and procedures were quite confusing and cumbersome. What frustrated her most were delays, callous attitude of officials and constant demand for bribes. Her experience and the experience of many others like her have deterred people from taking up social service projects. A measure of Government control over voluntary social work is necessary. But it should not be exercised in a coercive a corrupt manner. What measures can you suggest to ensure that due control is exercised but well meaning, honest NGO efforts are not thwarted? (25 Marks) (300 Words)

The given case exemplifies the structural issues which plague civil society and voluntary organizations in their interaction with Government. There are statutory, judicial, operational, regulatory and social reasons for increased harassment of NGOs by government agencies, the simultaneous reform of which may improve scope for increased financing and participation relieving the Government to focus on deserving areas.

STATUTORY AND JUDICIAL MEASURES

Suggesting Amendment of applicable Acts including Societies Registration Act 1860, etc. so as to ensure speedy clearances and issue of statutory certificates without human interface subject to the fulfilment of prescribed parameters.

Making time bond disposal of matters mandatory for various Regulatory and Adjudicating Authorities.

DUAL PROCESS OF NGO REGULATION MAY BE CARRIED OUT WHEREIN –

i) NGOs which have performed well in audit, performance, accreditation, third party assessments and on field review may be treated with institutional trust in terms of regulatory compliance.

ii) NGOs with dubious financial records, non—compliant with return filings, complaints or non—accredited may be scrutinized at the same level to ensure compliance of prescribed regulations.

Reduced statutory compliance and control over NGOs which do not take funds from Centre/State/ under FCRA.

Time Bound Service Delivery Acts, with stringent penalties and judicial enforcement.

Operational –

1) e—filing of documents and compliances for registration to reduce human interface.

2) Use of specialized third party accreditation to assess and recommend demands for government grants and usage of public feedback and social audit to assess working of NGOs.

3) Popularizing RTI as a tool to deter officials to carry out their duties in specified time frames. Publishing and prominently displaying of Citizens Charters may also assist in time bound service delivery.

4) Institutionalizing “Trust” of private sector and civil society in the minds and psyche of Civil Servants, so as to end harassment.

5) Use of internal complaint mechanism to supplement compliance mechanisms and minimize interference of officials.

6) Responsive grievance redressal mechanisms.

It is seen that the use of all such mechanisms can lead to the “balancing” of needs of the wellmeaning NGOs to carry out meaningful and constructive work, while improving the efficiency and effectiveness of regulatory mechanisms and work to mutual advantage and public welfare. The given suggestions would address Saraswati’s problems and catalyse a more transparent and accountable system of NGO governance.



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PART—C

CASE STUDIES

By Sri B. Balgopal
Joint Secretary to
Government of India (Retired)

Case Study — 1

You are newly posted to a section in a department of GOI having three elderly Assistants with considerable length of service and a relatively new young Clerk. The work of the section is heavy and time—bound. One day, in the heat of the work, the Clerk picks up a fight with one of the Assistants on a trivial matter. Earlier also you have noticed that all is not well in the Section as the pace of work had considerably slowed over a period of time. One of the Assistants, considered reliable and had been working in the Section for long, confides in you that the Clerk is in the habit of insulting and abusing the others. The Clerk, though only Xth passed, is knowledgeable and has an air of superiority because of his fluency in English and most of the time is critical of others.

What steps would you take to improve the working of the Section?

EXAMINATION

Government has laid down the norms for its effective functioning. Duties and responsibilities, as also code of conduct, have been clearly laid down which should guide the government servant in the discharge of his duties. It would be unbecoming of a government servant to flout them. The Clerk, even though aware of these facts, has wilfully flouted them and is therefore, liable for the consequences. At the same time, as his superior, you have to ascertain what ails the Clerk. You should have a heart—to—heart talk with him as his elder brother so that he comes open with his problems. You should try your best to solve his problems and also bring to his notice how such behaviour can harm his career. It may be a good idea to visit his house on some pretext so that he feels that you are concerned about him. You need to talk with the Assistants also informing them that you are in dialogue with the Clerk and hopeful of a change in his behaviour. You may have to handle some of the work at your own level to reduce the work pressure and drive home the message that everyone has to chip in and you are taking the lead.



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Case Study — 2

The women workers of Kanan Devan Hills Plantations Company Limited—an associate company of Tata Global Beverages Ltd. – in the Idukki district of Kerala went on strike in September 2015 demanding higher wages and bonus. The strike was unique in that they did not allow the trade unions to participate and kept away their husbands. They charged the trade unions of betrayal and feared that their husbands lured by money and liquor will sabotage their strike. The strike was a total success because of the support it received in the locality. The Chief Minister intervened and it was agreed that 20% bonus will be given by the Company and there will be immediate revision of wages. The Company had no say in the matter and had to agree. You are appointed the PRO of the Company and have been asked to win over the workers to build up the image of the Company as a company that is serious in fulfilling its social responsibility. What strategy would you adopt?

EXAMINATION

The product of the Company, Kanan Devan tea, is very popular in the South and in spite of stiff competition, it has been able to retain its market share. With the falling prices of tea in the domestic market, the profits have been steadily coming down and since there have been no new plantings the yield is dwindling. There is the general feeling among the trade unions and in the State Government that the workers have been exploited, paid pittance and not provided the basic amenities.

The first step is to draw up a plan of action for the development of the Plantation which could include inter alia; constituting various committees for better amenities for health, housing, education and sanitation with adequate participation of women workers. Your Plan should informally be discussed with a select group of workers who have following in the group for their views and get a consent from them that the workers will reciprocate by greater efficiency and better working relations. It should be your endeavour to sell the Plan, as modified based on your discussions, highlighting its long—term benefits and the good—will it will generate for the Company. Further, it should be brought to the notice of the Company that the hold of trade unions has been waning in the new liberalized

environment and this is the ideal time to cash in on it by making the above gesture overlooking the financial aspects.



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Case Study — 3

Your friend Rajesh and Ramesh had joined Government service together and were close friends. Within a short period, Ramesh developed close rapport with many political leaders as they were known to his family. In due course, he came to be posted as Personal secretary to an important Cabinet minister hailing from his state and known to his father. Consequently, he was elevated in rank and became senior to Rajesh. Thereafter, there was no occasion for them to meet for years. One day, Ramesh suddenly drops in to Rajesh's office for a friendly chat. During the conversation, he asks for a favour, saying it is not for him but for his boss, which involved overlooking the accepted norms and procedures. He believes that it is within Rajesh's jurisdiction and he can do it and if something adverse happens, he is there to help him out. Rajesh comes to you for advice. What would be your advice?

EXAMINATION

The Conduct Rules enjoins you to act without fear or favour. Your friend is also aware that it will be a favour. Still, he insists that you do it. Such a friend does not deserve your sympathy. However, that should not prejudice you from examining the feasibility of helping his boss considering the fact that the issue involves only departing from accepted norms and not violating any of the Rules. You should discuss with your subordinates whether there have been similar instances in the past and what was the approach adopted and in case there have been such instances whether decisions taken then can act as a precedence in this case. If yes, the subordinates can be asked to examine the case on that light and if not, they may be advised to independently apply their mind and submit the case to you. In either case, you have to give your own independent judgment on the merits of the case. You should also consider whether it would be necessary to keep your boss in the picture before finalizing your view. Once the final decision is taken your friend can be informed of the outcome and the circumstances under which the decisions were taken leaving no room for further discussions or negotiations.



Case Study — 4

You are Deputy Secretary in the Department of Chemicals and Petrochemicals handling matters relating to pricing of medicines, monitoring their production, shortage and availability and control of imports. Media has reported that there is an outbreak of Plague in a State and people are fleeing to metros and other cities spreading the infection. Ministry of External Affairs (MEA) feels that we should not accept the offers of foreign countries to provide medicines as it will show us in poor light. Minister has ordered immediate action. What approach would you adopt to handle the crisis?

EXAMINATION

Convene videoconferencing of officials of the Ministry of Health & Family Welfare, State Health authorities, pharmaceutical companies (in private and public sector) and selected drug distributors to take stock of the real situation in terms of the requirement and shortage of medicines. The facts should be widely disseminated through the media and social network highlighting that efforts are underway to control the situation. In case there is shortage, efforts should be made to move medicines from where there are extra stocks and in the meantime the pharma companies should be advised to increase their production to meet the demand. Simultaneously, the Customs authorities may be advised to locate if there are bulk drugs to manufacture the medicines lying unclaimed or confiscated at the Ports so that the public sector pharma companies can be directed to take over the stocks, refine them, formulate and distribute them. A Control Room should be opened to monitor the situation and provide all help in fighting the outbreak. On a daily basis, news bulletin should be issued about the steps being taken to control the situation. The concerned Minister, PMO, MEA and the Cabinet Secretary should also be apprised of the steps being taken. On full control of the outbreak, the agencies that had assisted should be felicitated for their cooperation.



Case Study — 5

Hon'ble Prime Minister of India is visiting USA on a major mission to attract US investments in India. A thorny issue is the US demand for better patent protection to Pharmaceuticals which has been hanging fire for a long time. Ministry of External Affairs, PMO, Ministry of Commerce and Industry are pressurizing the Department of Chemicals & Petrochemicals, the nodal department for Pharmaceutical Industry as per GOI's Allocation of Business Rules, to accede to the US demand to make the visit a success. You are the Joint secretary in—charge of pharmaceutical Industry, in the Department. What are your options?

- 1) Give in to the US demand;
- 2) Speak to the Industry to fight out the matter;
- 3) Examine the issue keeping in mind the National interest.

DISCUSSION

Affordability and availability of medicines have been the corner—stone of GOI's Drug Policy since Independence. This has resulted in the medicines being cheap in India compared to the rest of the world. This has also helped building up a strong domestic Industry. These objectives still remain valid. The experiences of the countries who have given in to the demand have clearly shown that it would be suicidal to the domestic industry and that the medicines will become costly and out of reach of the common man. As such, we have no option but to continue our existing Policy. The domestic Industry will not be able to come to a consensus on the issue as they are divided. While the Indian pharma companies will oppose the US demand, the domestic MNC pharma companies will support the US move. I would therefore propose *staus quo* on the issue.



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Case Study — 6

You are a GOI officer with more than 30 years of service. You are posted as the Cadre—controlling Authority in a field formation under the Ministry consisting of Group A officers belonging to a different service. The Post has been lying vacant for over 6 months as the earlier officer, belonging to a different service, had to unceremoniously leave on account of non—cooperation of officers. On his exit, the work was being handled by an officer of their service. Before taking over you call on the senior officers of the Ministry and the Minister. All of them wish you well and expect that you handle the work strictly as per GOI norms. On the first day in office, you are asked to attend a meeting of officers chaired by their Chairman. At the meeting, a Resolution was unanimously passed that no “outsider” should control their Cadre and their Officer should continue to handle the work. It was evident that you were called to drive home the message that you are least welcome and should leave.

HOW DO YOU INTEND TO PROCEED?

- 1) Seek a transfer;
- 2) Seek guidance from the Ministry;
- 3) Discharge your duties to the best of your ability.

Discussion

The Constitution has vested powers in the Parliament, Executive and the Judiciary. The Executive exercises these powers and conducts its business in accordance with the Acts/Legislations passed by the Parliament and the Rules/Procedures laid down there under. With respect to the Ministries of GOI, the Manual of Office Procedure lays down in detail how the business should be conducted.

Since I have been posted as the Cadre—controlling authority in accordance with the Rules and procedures and with the necessary approval of the Competent Authority, I am duty bound to perform my duties overlooking all other considerations and without fear or favour. As such, seeking a transfer is totally out of question. I would be failing in my duty if the stand of the Officers is not brought to the notice of the Ministry. Periodically, I would keep the Ministry updated on the developments in the

Organization since I am supposed to be the “eyes and ears” of the Ministry in the set up.

To enable me to function, first I need to assert my authority as the Cadre—controlling Authority. I will discontinue the existing stop—gap arrangement and call for all the files in the custody of the Officer presently handling the work through a politely worded communication citing the fact that these files now on need to be attended to by me. I would give him a reasonable time for handing over the files. I would urge my subordinates to help the Officer in expediting the matter. Simultaneously, I would take a briefing from my subordinates regarding the nature of work, the bottlenecks in functioning, the staffing requirements, the extent of pendency, the status of litigation, etc. and also welcome their suggestions on any matter related to the work. I would also request for their full cooperation while making clear that I am willing to go the extra mile to build rapport and good will with all. In case the files are not handed over by the Officer, I will personally go to him and ascertain the reasons for delay. Even then, if the files do not come, I will seek the intervention of the Chairman and even then nothing happens, I will bring this to the notice of the Ministry and suggest stern disciplinary action against the Officers for non—compliance of Ministry’s orders. It is not expected that the issue will go that far.

After establishing my authority, it will be my endeavour to serve the Officers in accordance with the norms of “good governance.”



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Case Study — 7

A very senior Officer who has just joined your Ministry embarks on a visit to a Gulf country and informally agrees to sign a MOU for export of Pharmaceuticals. The MOU has a clause that our pharmaceuticals will first be tested for quality and only then be allowed entry. On his return, he hurriedly convenes a meeting of Pharma companies to announce that a MOU has been signed with the Gulf country which will boost our exports. He wants the companies to draw up a plan to facilitate operation of the MOU. This is news to everyone and you as the Under Secretary dealing with the exports of Pharmaceuticals are also invited to the meeting. What stand would you take?

- 1) Keep quiet as he is a senior officer;
- 2) Provoke the Pharma companies to scuttle the move;
- 3) Examine the issue afresh as it is considered a departure from the established stand of GOI.

DISCUSSION

The matter is of utmost significance to the Country and has to be examined afresh irrespective of the fact that a senior officer has mooted the proposal. Since it is a matter to be deliberated upon in GOI, the Pharma companies need not be involved.

In GOI, it is the collective wisdom and the Institutional Memory, by way of past records and knowledge gained over a period of time, which facilitates decision—making and not dynamism or quixotic actions of individuals. The Allocation of Business Rules lays down which Ministry is to do what and individual Ministries accordingly assigns the work to definite sections so that there is clarity as to what is the task assigned to each. The Manual of Office Procedure lays down the mechanism for communication and consultation within and outside Ministries in cases involving more than one agency. It is expected of each individual to understand and comply with these systems and procedures before making adventurous moves as in this case. It has been the stand of GOI that our pharmaceuticals are of world standard in terms of quality and shall not be subjected to quality checks before allowing entry into the country. The Officer should have consulted all the stakeholders and the past practices

before agreeing to it in the MOU. As regards, the export potential of our pharmaceuticals, it is well known that the US and European MNCs have stranglehold of the West Asian market.

Quoting the above reasons, I would propose scrapping of the MOU.



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Case Study — 8

You are Deputy Secretary in the Ministry involved in Industrial Licensing and Foreign Direct Investment (FDI). Under the liberalized norms of FDI, there is a flood of Initial Public Offers from Companies you are dealing with. Your PA drops a hint that it is the practice in the Ministry to apply for these shares and the Company will allot preferential shares which is the accepted norm of the Company. He is awaiting your response. How would you handle the matter?

- 1) Accept the offer as it seems to be the norm;
- 2) Consult your colleagues as to what they are doing;
- 3) Take urgent and stern steps to stop this activity and appraise the staff and officers the consequences of such actions.

DISCUSSION

The conduct expected of a Civil Servant is defined in the Code of Conduct laid down by the Government. It provides *inter alia*; that a Government Servant shall maintain absolute integrity, devotion to duty and do nothing which is unbecoming of a Government Servant. The Conduct Rules provide dos and don'ts which will determine whether your act is "unbecoming" or not.

In the instant case, accepting the preferential shares from the Company will in all likelihood embarrass or influence the individual in the discharge of his duties. And also embarrass the Government and therefore amounts to an act unbecoming of a Government servant. It will cast aspersions on his integrity and his lack of devotion to duty. It will also be a criminal offence. All these would put the career of the individual in jeopardy.

Under the above circumstances, I will be failing in my duty if I do not bring it to the notice of the seniors and put an end to the practice and warn the staff and officers the consequences of such actions.

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Case Study — 9

You are Under secretary in the Ministry in charge of Administration. One day in the midst of a very important meeting, a lady Clerk barges into the room crying for help. Your lady PA follows apologizing saying that she tried to prevent her. How would you take charge of the situation?

- 1) Order the lady clerk to get out;
- 2) Wind up the meeting;
- 3) Advise the Clerk to be in your PA's room till you are free to attend to her.

DISCUSSION

I would adopt the last option as the meeting is also important. However, I would try to conclude the meeting at the earliest possible and then listen to the woes of the Clerk.

The Central Civil Services Conduct Rules, 1964 lays down the code for conduct for Central Government Employees. It provides for *inter alia*; protection to women from sexual harassment at work place. I will be guided by the above provisions in handling the case.

By making her wait for some time, she would have cooled her tempers and would be in a better frame of mind to speak out the matter logically and without bias. On getting the facts, I would seek the version of her immediate superior as also the members against whom allegations of harassment, if any, has been made. If in my opinion it requires further enquiry, I would submit the versions of all the parties involved, along with my observations, to the nodal Officer of the Ministry designated to handle sexual harassment cases. Otherwise, I would close the matter and take steps so that such incidences do not occur. I would assure the Clerk that she will not have to face such instances in future.



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Case Study — 10

You are Deputy Secretary in GOI and you have been handpicked by GOI to investigate into a financial deal by one of the officers. This required *inter—alia*; collecting details from various sources; including foreign banks. In the process, you find that the Head of your office has been accepting funds from abroad. This fact is irrelevant to your field of investigation. Discuss how would you handle the matter?

DISCUSSION

The material evidence in the official document, though not relevant to the case, strikes at the root of the established ethics of public service; especially probity in public life and hence cannot be brushed aside as irrelevant. Not taking cognizance of the document would amount to suppression of information, an act unbecoming of a government servant attracting the provisions of the Conduct Rules.

As a first step, I would again verify the authenticity of the information from the source and also examine whether this could have in any way influenced his official duties. If yes, I would forward the relevant documents to the Vigilance wing of the Ministry, outlining the circumstances under which the information was received along with my recommendation that *prima facie*, a case has been established for further investigation under the Prevention of Corruption Act and initiating disciplinary proceedings. If the document is seen as not genuine, I will report the matter to my superior for further directions as to whether this should be brought the notice of the Head.

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Case Study — 11

You have been posted Head of a Division in GOI. On review of the pending work, you notice that a Court case where a decision of Munsif Court relating to change of date of birth of an Officer had to be challenged has been lying unattended for over 20 years. Implementation of the Court's Order will be against GOI's Rules and will set a precedent for others to follow suit which will lead to utter chaos.

WHAT STRATEGY WOULD YOU ADOPT?

The Manual of Office Procedure of GOI has laid down an elaborate mechanism to check such delays. Obviously, these have not been adhered to in this case for which the staff and officers who have dealt with the case over the years will be asked to show cause why action should not be taken against them for the lapse. Simultaneously, action would be taken to file appeal on the Munsif Court decision, along with the request for condonation of delay.

My first attempt will be to examine whether the matter fell within the jurisdiction of the Munsif Court. And if yes, what could be the grounds for condonation of the delay. As per the Act setting up the Administrative Tribunals, all such matters are to be handled by the Tribunals and are outside the jurisdiction of the Munsif Courts. So an appeal can be filed, based on the provisions of the Act, to treat the Munsif Court's decision null and void and that in view thereof, the time frame for filing appeal would not apply. I would personally brief the Government counsel on the above lines and apprise him of the GOI's orders on the subject.

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Case Study — 12

You are the nodal Officer in GOI relating to certification of export documents which will entail duty free exports of Indian goods in foreign markets like USA, Canada, European Union, etc. One such Certificate of a particular consignment is referred to you by the custom authorities of European Community for verification as to whether the goods exported fulfil the various conditions laid down under the Rules for grant of duty—free status. Your verification reveals that these goods do not conform to their standards and that these are being exported by a reputed Indian Company and Europe is a major market for that Company.

WHAT VERIFICATION REPORT WOULD YOU SEND TO EUROPEAN UNION?

Under an International Agreement, Developing Countries like India have been entrusted with the task of issuing such certificates after ensuring that as per the Rules the goods meet the conditions laid down for availing concessions. This is a mutually agreed arrangement based on trust. It, therefore, enjoins us to implement the provisions of the Agreement in its letter and spirit regardless of its consequences to our exports as it involves the credibility of our country. By way of abundant precaution, I would forward my verification report to our Embassy abroad with a request to informally check with the European custom authority whether I have correctly interpreted their Rules in coming to my conclusion. If they confirm, an official communication would be sent stating that the particular consignment did not meet the conditions for duty—free treatment. Simultaneously, I would inform the Indian Company the reasons why such a verification report was sent and what steps they have to take to make their goods become eligible in future.



.Case Study — 13

A ban on sale of meat has been imposed in Mumbai on the occasion of Paryushan, the Jain community's fasting season. This has led to protests from Political parties, Social Activists, Bombay Mutton Dealers Association, etc. A PIL has been filed in Mumbai High Court against the decision on the ground that it violates the rights of an individual to choose his food. You have been asked to draft a reply to the PIL in support of the decision.

HOW WOULD YOU EXAMINE AND DRAFT YOUR REPLY?

EXAMINATION

Rights guaranteed under the Constitution are not absolute. They have to be exercised in such a manner that they do not impinge on other's Rights and have to be viewed in the interest of the Society at large. This ban, that too for a very short duration during a religious festival, cannot be construed as an attempt to abridging the rights of anyone. Is it not common for various religious groups to observe self—imposed ban during their religious festivals? In this context, we cannot draw parallel with what goes on elsewhere as morality differs from place to place. While banning sale of meat may raise eyebrows in the Western world, in India, we have the tradition, culture and ethos of respecting the religious sentiments of all religious groups. Further, such a ban has been imposed in earlier years also which did not evoke any such response. As such, the PIL is malicious, misconstrued, unprovoked and devoid of any merit.



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Case Study — 14

The students of FTII, Pune who have been on protracted strike against the appointment of their Chairman, are meeting the Secretary, Ministry of I&B to end the stalemate. You have been asked to prepare a Discussion Paper for the meeting.

WHAT WOULD BE THE CONTENTS OF YOUR PAPER?

DISCUSSION

There are two issues involved in this case; one on the substantive aspects and the other on the *modus operandi* of the strike.

On the substantive aspects, the issue got embroiled in a political row between and the ruling party and the opposition. With the prominent film personalities, former students and the media also jumping into the fray, it got further muddled. It is a fact that the earlier incumbents were eminent personalities of the film industry and the students feel that the present one does not measure up to them. There is some substance in that argument. However, if you look at the nature of duties to be performed by the Chairman, which is more of a coordinator's role and liaising with the Ministry, there is no reason to doubt the competence of the new incumbent to perform these functions. The Chairman's plea is that he should be given an opportunity to prove his worth in this assignment, which is a legitimate proposition.

As regards the *modus operandi* of the strike, it does not augur well for the Institute. The Institute is funded by GOI, and as such, the students are bound by the government rules and procedures regarding recording of dissent and good conduct under the provisions of the Conduct Rules. For resorting to pressure tactics, intimidating the Chairman, indiscipline and disorderly behaviour they are liable for disciplinary action.

However, to break the impasse, GOI while insisting on the continuation of the Chairman, may set up a Committee, in consultation with the Students and other stakeholders, for restructuring of the Governing Council of the Institute and explore the possibility of the film fraternity taking over the Institute so that there is no interference from the GOI.



Case Study — 15

It has been reported in the media, that the former Chief of the Army staff, just before his retirement ordered destruction of documents of a military intelligence unit he had created. It is speculated that the Unit was used to spy on senior officials of the Government and that a subsequent internal enquiry revealed that the Unit was using secret service funds. As Under Secretary, Ministry of defence, the matter has been referred to you for examination.

WHAT ARE YOUR VIEWS?

EXAMINATION

GOI's instructions on retention and weeding out of government records are given in detail in the Central Secretariat Manual of Office Procedure. Records that are of historical value are to be preserved by microfilming and kept in the National Archives, others which may be useful for future reference are to be retained in the concerned office upto a period to be decided by the Head of Office and other records of ephemeral nature can be destroyed after obtaining the orders of the Branch Officer. The material that has been collected by the Unit has to be classified as per the above criterion and then if it is found that all the material was of no consequence and of ephemeral nature, they can be destroyed. If found otherwise, disciplinary action will have to be taken against the Officers and staff involved.

Another important aspect is whether the Chief was competent to order collection of the information. GOI's Allocation of Business Rules outlines the work assigned to Ministries and the Transaction of Business Rules give the details of officers authorized to take decisions on the various matters assigned to the Ministries. As per the above Rules, the Unit is authorized to collect only military intelligence and not economic intelligence which falls within the purview of the Directorate of Revenue Intelligence of the Ministry of Finance. Any violation of the Rules is a serious matter fraught with serious consequences.

If the collection of information was not authorized by the Competent Authority, the use of Secret Funds for the purpose will be deemed to have been misappropriation of government funds which is a grave criminal charge.

Considering the seriousness of the allegations, GOI should institute a thorough high—level probe into the incident and suggest checks and balances if probe reveals irregularities.



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Case Study — 16

Petitions have been filed in the hon'ble Supreme Court challenging Government's decision to collect personal data for the Aadhaar Card. The Petitioners allege it is intrusive and violates one's right to privacy. As a common man, how would you react?

COMMENTS

The only way for an under—Developed country to catch up with the Developed world is to leap—frog and technological tools provide are very helpful in this pursuit. In a vast country such as ours, with constituent States at different levels of development, the solution lies in the use of Information Technology (IT) in day to day governance. Aadhaar has proved that direct payment to the consumers' bank account gas and other subsidies, wages under the rural employment schemes, pension, etc. through Aadhaar registration has eliminated not only delays but also corruption bringing much needed relief to the common man.

However, concerns have been expressed at certain quarters that the information collected in the process could be used for other purposes thereby infringing on individual's right to privacy, which some claim is a Fundamental Right. Here, the only question that arises is whether the Government can guarantee that privacy of the individual will be protected and whether there are legal and other measures in force to meet the eventuality of its breach. It is vouched by the Unique Identity Authority of India (UIDAI) that Aadhaar encryption protects privacy and that the biometric detail is encrypted using the highest available public key cryptography encryption. This appears true considering that so far there have been no complaints of misuse of data in the 5 years of the operation of the Scheme. However, for tackling breach of privacy, the Union Government will have to bring in suitable legislation for incorporation in the Act making it an effective tool in the speedy development of the Nation.

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Case Study — 17

The Panchayati Raj Act of a State prescribes minimum educational qualifications for those contesting *panchayat* elections. This has evoked strong protests questioning prescribing such qualifications when no qualifications are prescribed for the election of MLAs, MPs, etc.

WHAT ARE YOUR VIEWS?

COMMENTS

A well—informed political leadership is a *sine qua non* for good governance and this leadership has to be founded at the grass—root level. With more and more decentralization of power and financial resources, the *Panchayati Raj* Institutions have become the key players in the development process. To live up to the new role, it is imperative that their elected representatives possess basic educational qualification. This is a prerequisite for acquiring the preliminary engineering skills to oversee laying of a road or building a check dam or financial management skills to run a micro financing society or prepare a budget or monitor expenditure or administrative skills to conduct the affairs of the panchayat. No doubt, the same logic applies to MLAs and MPs also. It is the old mindset and reluctance to change that is driving the protests. Once the benefits become apparent, the protests would die down. Gandhiji and framers of our Constitution have given lot of importance in strengthening the Local self—Government institutions so that the fruits of development reach the intended grass root level. Hence, enactment of the Act is justified.



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Case Study — 18

The work of selecting candidates in an organization based on its ideology and vision is now handled by dedicated HR professionals. They evaluate various traits of the candidates on the required parameters. What do you think about their assessment of the candidates on the required technical skills as well as values, ethics and behavioural integrity as well?

COMMENTS

Campus selections are the order of the day especially for recruiting professionals like engineers. HR managers go on selection spree, at times recruiting an entire batch of over 100. It saves time and money for the Company. Once upon a time, there used to be a detailed process of advertising, tests, interviews, etc. before recruitment. This involved delays and costs but there were different levels of screening to assess the worth of the candidates from all aspects like knowledge, experience and behaviour. As a result, the Company was benefited by choosing the right person for the job. Today, the Companies are forced to spend lot of time, money and energy on training the new recruits to imbibe value—systems to overcome various problems like gender sensitization, conflicts of interests, stress management, prevention of crime and unethical practices at work place. Nevertheless, the campus selections have come to stay keeping in view the rapid industrialization. It may, therefore, be worthwhile associating industrial psychologists, sociologists and counsellors in the selection process as well so that the induction of fresh graduates is based on expert evaluation by these experts to ensure ethical conduct of selected candidates.



Case Study — 19

Taking *suo moto* notice of the media reports on stray dog menace in different parts of the country, the National Human Rights Commission has issued notices to the Delhi Government and the Union Health Ministry for a debate on the Human Rights vs. Animal Rights issue.

ASSUMING YOURSELF TO BE A HEALTH MINISTRY OFFICIAL DEALING WITH THE MATTER; HOW WOULD YOU EVALUATE THE SITUATION AND ADVISE YOUR SENIORS?

COMMENTS

Dog is supposed to be man's best friend. But when the friend turns a foe necessary steps will have to be taken to remedy the situation. The panchayats, municipalities and corporations cannot remain mute spectators when the wild stray dogs attack innocent children, spread the dreaded disease of rabies and unleash terror in the neighbourhood. Attempts to sterilize them had to be abandoned due to high costs and lack of facilities and doctors and there were protests from the residents when the dogs were released in their locality after sterilization.

The issue is not really one of Human Rights Vs. Animal Rights. The real issue is the improper disposal of waste. The Local Bodies have not been able to put in place adequate mechanisms for treatment and disposal of wastes due to internal bickering and lack of will. In a city like Trivandrum which was known for its cleanliness became an eyesore with waste littered all over just because of a change in government. The waste treatment plant that was functioning satisfactorily had to be closed down due to interference and non—cooperation of the newly elected government. Technology is available to treat and convert wastes into manure and other useful byproducts and there have been attempts at least in pockets in this direction. It is time that we join hands to make the dream of “swatch bharat” a reality. With less waste, the population of stray dogs would come down and then the Local Bodies would be in a better position to contain their menace.



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Case Study — 20

The Rajasthan High Court has recently ruled that *santhara*, the Jain community's ritual of voluntarily attenuating oneself to death is suicide. This has led to protests from the Jain community.

BEING THE DEALING OFFICER IN THE CONCERNED MINISTRY OF THE GOVERNMENT OF RAJASTHAN, HOW WOULD YOU LOOK AT IT AND ENSURE COMPLIANCE OF THE HON'BLE HIGH COURT ORDER?

COMMENTS

Morality differs from place to place, religion to religion, society to society and changes with time. Hence, it becomes difficult to assess any custom or ritual by common criteria at any particular point in time. The effectiveness of laws in stopping such social customs is a big question mark. Even though, the hon'ble Supreme Court directed the GOI to frame common civil code years ago, it is yet to see the light of the day because of its social implications.

Sati was practiced in Rajasthan for years as a noble sacrifice and it was through the persuasive efforts of Raja Ram Mohan Roy, the Society agreed to put an end to it. Basically, everything boils down to the acceptance for change by the Society and the individuals because it involves hard—core beliefs passed down through generations. The socially active individuals of the Jain community can play an important role in dissuading the individuals from resorting to such practices. They may, therefore, be persuaded to convince their community to desist from such activities and to honour the verdict of the Hon'ble High Court.



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Case Study — 21

Precious lives are lost every year due to organ failure. There is no institutional mechanism in India to facilitate timely transplant.

YOU ARE ASKED BY YOUR MINISTER TO PREPARE A BASIC NOTE TO DEAL WITH THIS SITUATION IN THE INTEREST OF THE COMMON MAN.

MY BASIC NOTE SHALL BE AS UNDER—

Donating organs is a taboo in many societies. It is considered disrespect to the departed soul to mutilate his body even for post—mortem. Live donors volunteer to donate liver or kidney only in rare cases that too only to their relatives. This non—availability has posed a major problem in transplantation. It is estimated that against the demand for 1.75 lacs kidney transplantation, it is possible to meet the demand of only 5000. While it is estimated that 50,000 die of liver diseases, it is possible to transplant in only 1000 cases. The situation is worse in the case of heart, lung, eye and skin. While the donation rate in India is estimated at 0.34 per million populations, in Spain it is 36.

More than a medical problem, this is a social problem which calls for concerted efforts from all; the religious, political, social leaders, NGOs, Doctors, Hospitals, Corporate and the Government to bring about awareness that donation can save lives. In addition, there has to be a centralized data base for demand and supply of organs, proper logistics for transport of the harvested organs, developing standards for transplantation and mandatory reporting of brain death.

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Case Study — 22

Health care is a major concern in India. Despite financial and other constraints, the Central and State Governments are making every efforts to improve the situation and to extend the available resources to everyone.

You are the dealing officer in the Ministry of Health and Family Welfare and are asked by your Secretary to prepare a basic note to be placed before the Cabinet for consideration and policy making.

HOW YOU WILL PREPARE IT?

COMMENTS

The Constitution enjoins the State and Central Governments to provide adequate health care to the people. Though various schemes have already been launched at various levels, the benefits of health care are yet to reach all the people due to given constraints. The role of Private players has been limited so far in this regard. Hence, the entire burden is on the Central and State governments.

There are twin issues in health care; availability and affordability of medicines besides the issue of quality. As per the Allocation of Business Rules of the GOI, the Department of Chemicals and Petrochemicals is entrusted with the responsibility to ensure availability and affordability of medicines and the Department of Health with the responsibility of quality control of medicines. These two departments of GOI are to work in tandem with the State Drug Controllers to implement Government's policies. Poor sanitation, hygiene and nutrition, low awareness, financial and infrastructure constraints, non—availability of doctors and other health workers and certain religious beliefs pose major problems in implementing Government's health policies.

As a first step, the State and Central governments should earmark more funds in their budget for health care, including sanitation. There should be a national movement with the participation of all stakeholders to improve health of everyone on the lines of “swatch bharat” and as in the case of education, we should invoke the concept of “Right to Health” and target for “health for all” by 2020. The recent fast development of infrastructure is due to Public—private partnership in which the Government provides basic

infrastructure like land *etc.* and the selected developer is entitled to collect toll taxes for a specified period. We may prepare a policy to identify areas requiring immediate improvements in existing health care facilities and encourage private parties to develop these facilities on the prescribed minimum standards at affordable prices. After appreciating their contribution on pilot basis, we may make a regular policy at national as well as State level.



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Afterwords

The date of superannuation is entered in the service record of every civil servant when he enters civil services as a young recruit full of commitment and personal aspirations. Each one of them has to draw his own personal code of conduct as there will be nobody to watch his day—to—day conduct except his own conscience.

Once superannuated, a civil servant ceases to exercise his authority and returns home as a normal citizen. After leaving reins of authority and power, he should be at peace with himself and enjoy the satisfaction, serenity and inner happiness of delivering his best according to the required ethical standards to the society and the Nation. While entering every civil servant must remember the following words of **Abraham Lincoln** respecting holders of public offices.

“I desire so to conduct the affairs of this administration that if at the end, when I come to lay down the reins of power, I have lost every other friend on earth, I shall at least have one friend left, and that friend shall be down inside of me”

Best wishes
R.K. Gupta, IRS
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