



THEORETICAL FRAME WORK OF ETHICAL VALUES IN PUBLIC SERVANTS: AN ANALYSIS

Dr.K.Vijaya kumar

Associate professor, Department of Public Administration, New Government college, Khairatha bad, Hyderabad, Telangana state.

Abstract

The public service, made up of those employees of the state who are covered by national and sub national civil service laws, plays an indispensable role in the sustainable development and good governance of a nation. It is an integral part of democracy because it serves as the neutral administrative structure which carries out the decisions of elected representatives of the people. The idea of ethics inevitably depends on sincere political aspiration. Thus, there is enough room to create a comprehensive moral code that is inclusive and well-organized. A professional public service would include the qualities in addition to commitment to the subject and understanding of competence, judgment, and conduct in accordance with standards. Therefore, a true professional is someone who possesses a good balance of competence, knowledge, and experience, as well as someone who can live up to the public's expectations. Values are often interchanged with ethics particularly in relation to addressing corruption. The present article will discuss the Ethics and values of public servants in global scenario particularly increase the transparency in Government services in India.

Key words: *Ethics, values, Public servants, Civil service, Good governance.*

Introduction

With the introduction of administrative ethics, there have been significant changes since the 1970s. The idea of public administration in the new era has encouraged and driven these reforms. In today's civil governance, the idea of ethical issues is given a significant role. This idea has been the subject of much investigation, which has been backed by the application of theories and evidence in many parts of the world. Frederickson and here (2005) discuss new problems to administrative ethics brought on by globalization as well as the managerial and individual/moral components of ethical action. According to Cooper (2001), ethics in public administration is not a passing notion but rather a strategy that has demonstrated a high degree of durability that is essential to the field of public administration.

In terms of implementing ethics, public administration has several difficulties and finds it difficult to resolve these challenges. This is due, in part, to the fact that ethics is ingrained in an intellectual framework. This concept is built on stable institutional and role relationship levels between the organization and public employees.

The introduction of the idea of e governance, which would necessitate the identification of a completely new paradigm of ethics in public administration, is one example that can be used at this time. The goal of this essay is to outline the various ways that an innovative and successful ethical approach can be used to promote and manage administrative policies in public organizations. Here, it might be wise to bring up the "ethical framework". The ethics framework is a voluntary, non-binding European Code of Ethics (Bosseart and Demmke, 2005). It reflects the fundamental common ideals and norms that the member states believe are crucial for the effective operation of the public sector. The overall fundamental values, specific standards of conduct, safeguarding integrity mechanisms, and handling



situations where there may have been an ethical violation are all covered in detail. It serves as a toolkit or general guideline for the formulation of codes of conduct at a national and sub national level, and it aids in structuring the conversation on public-service ethics.

The ethics framework's initial definition highlights fundamental principles that all member states ought to share. These principles include adherence to the law ("lawfulness"), impartiality/objectivity, openness ("transparency"), accountability ("openness"), professionalism ("expertise"), and duty of care ("duty of care"), dependability ("confidence, trust"), and politeness ("service principle"). If these are the fundamental principles, then every nation should completely recognize them. Every European Union member state takes the ethics of the public sector seriously. However, because member states are at various stages of development, actions that are judged essential in one nation could be viewed as unnecessary in another. The new member states that are actively engaged in the fight against corruption have seen a higher influence from the ethics framework. The Framework has had less of an influence on older member states because many of the tools it suggests were already in use and the underlying values have long been a part of their administrative culture. There are changes that can be proposed in the form of codes of conduct in order to promote ethics in public administration, for instance, if one takes Portugal as an example. Portugal is an old member state where the administrative culture is traditional and core values are already a part of the administrative framework.

Therefore, the first notable approach to public administrators' ethical duties and the significance of citizen engagement in administrative choices was created by intellectual proponents of the ethical perspective (Cooper, 2004). As evidenced by the NPM ideals espoused by Ronald Reagan in the USA and Margaret Thatcher in the UK, this has long been the case in industrialized nations all across the world.

Idea of ethics

The idea of ethics inevitably depends on sincere political aspiration. Thus, there is enough room to create a comprehensive moral code that is inclusive and well-organized. Steps taken in isolation are useless. One can address ethical dilemmas, challenges, and other situations by evolving specific systems for moral functioning. It is also desirable to promote the development of tools and methods that can foresee ethical challenges and advantageous to put up answers in a more pleasant way. Unsurprisingly, Aristotle believes that the fundamental tenet and purpose of honourable governments is to inculcate virtue in individuals and public servants. The actions of state officials, who shape individuals' behaviour by instilling positive habits in them, validate this. Every legislator aspires to it, and for those who are unsuccessful, this is what separates a good political system from a terrible one. According to Aristotle, the governor's primary responsibility is to promote moral literacy among the populace. He or she will require a great deal of awareness and understanding of virtue to be able to achieve this, and that type of awareness can only come via a never-ending search and investigation into things and actions. Morality is primarily about asking questions.

The framework for ethics

A professional public service would include the following qualities in addition to commitment to the subject and understanding of competence, judgment, and conduct in accordance with standards: 1) Recruitment procedures should be based on tests and merits that are administered by distinct authorities and governed by rules that are unrelated to politics and political systems. It should be conducted objectively, just taking into account merit and accomplishments. Therefore, merit plays a significant



role in determining integrity and autonomy. 2) To encourage corporate spirit and professionalism, administrative councils should emphasize self-governance. Promotions must take into account performance, achievements, experience, and duration of service. 3) Education and training should boost the professionalism of the entire administrative and governmental system. People with excellent job knowledge, competence and talent, as well as the capacity to uphold the highest ethical standards, are examples of professionals in the public sector.

Therefore, a true professional is someone who possesses a good balance of competence, knowledge, and experience, as well as someone who can live up to the public's expectations. For different professionals, who are required to abide by these norms, the general public and society have set down some guidelines. For instance, the general public despises corruption, hence a true professional would not be expected to engage in such behaviour. Without it, the profession is denied a necessary prerequisite for making a legitimate claim. Economic growth and national modernization processes can be significantly hampered by corruption. Developing nations have expressed worry over the growing understanding that corruption may seriously harm progress. In a study of 150 high-level officials from 60 third-world nations, public sector corruption was identified as the biggest challenge to their progress (Gray and Kaufmann, 1998).

Public service value and ethics

Values are often interchanged with ethics particularly in relation to addressing corruption or maladministration but such interchanging is problematic. For instance, In Canada, a distinction was drawn between both in the establishment of an Office for Public Service Values and Ethics. A similar distinction is necessary here in India.

Values in it do not have agency i.e. they do not actually do anything. Instead it is the application of ethical codes to values that will lead to particular behaviour. For instance, civil servants may possess the value of integrity but it's the code of ethics that transforms this value into action and behaviour of civil servants.

Ethics, therefore, are in effect the rules that translate values into everyday life. Values inform all aspects of ethical decision-making, ethical judgment, ethical choice and ethical behaviours.

In addition, Distinctions between 'positive' and 'negative' values are misplaced since values cannot be negative or positive rather. It's the application of value that can be viewed from negative or positive viewpoints. For example, confidentiality as a value may be interpreted in a positive manner (crucial for national security) or negatively (Inhibits transparency).

Principles of Ethical Conduct for Government Officers and Employees

The following Principles of Ethical Conduct are an excerpt from Executive Order 12674 of April 12, 1989, as modified by Executive Order 12731. These Principles apply to all employees of the Federal Government.

Part I-Principles of Ethical Conduct

Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:



1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using non-public Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or non-performance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State, or local taxes that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.
15. Let's have a quick look at the public service values. Of course many values like Impartiality, Transparency, Courage of conviction, Probity, Accountability, Empathy towards weaker sections etc. are expected from a public servant, but let's focus more on a few which UPSC used to include
16. Integrity: The quality of being honest and having strong moral principles. It is the quality of being perfect and undivided. A person of integrity shows steadfast adherence to a strict moral or ethical code
17. Perseverance: Perseverance corresponds to persistence in doing something despite difficulty or delay in achieving success. It is the quality that allows someone to continue trying to do something even though it is difficult
18. Spirit of service: Quality of being committed to public service without any self-motives.
19. Commitment: The state or quality of being dedicated to a cause, activity, etc.
20. Courage of conviction: The state or quality of mind or spirit that enables one to face danger or fear with self-possession, confidence and resolution. The term defines one form of courage or bravery, which makes one to take strong decisions without any fear of repercussions. Courage of conviction makes one to admit his mistakes and denounce other's false action,



India and Central Services (Conduct) Rules

In India, the Civil Servants are bound to follow the Conduct Rules, provided in the Central Services (Conduct) Rules, 1964, and analogous rules apply to the officers of the All India Services and State Governments.

The code of conduct, as stated in the Conduct Rules, includes the following norms:

1. Maintaining the integrity and absolute devotion to duty and
2. Not engaging in “behavioural unbecoming of a government employee.”
3. The code of conduct is aimed at listing certain acts that are judged inappropriate for public officials.

Draft Public Service Bill, 2007

The Draft Public Services Bill, 2007 proposes the first step towards evolving a code of ethics.

The Bill provides for:

1. Appointment to public services based on the principle of merit, and fair & open competition.
2. Public Service Code of Ethics and public service values.
3. A performance management system for public service employees.
4. Periodical review of pay structures, incentives etc.
5. The Constitution of the Central Public Services Authority has to submit an annual report to the Central Government telling the compliance with the bill’s provisions.
6. Values of Public Service: According to the draft bill, some specified values should guide the discharge of the functions of the Public Service and the Public Servants, these are as follows:

⇒ Promoting patriotism and national pride.

⇒ Obey the Indian Constitution and the law of the land.

⇒ Impartiality, objectivity, honesty, courtesy, diligence and transparency.

⇒ Maintaining absolute integrity.

2nd ARC Recommendations:

1. Apex level: There should be a clear & concise statement of values and ethical standards that a civil servant must imbibe. These values should be related to maintaining the highest ethical standards, political impartiality and accountability for actions.
2. Second level: At this level, the broad principles that must govern a civil servant’s behaviour should be outlined. This will constitute the Code of Ethics.
3. Third level: There must be a specific Code of Conduct stipulating a list of unacceptable and acceptable behaviour & actions unambiguously.
4. Values and Code of Ethics should be given statutory backing by including them in the proposed Civil Services Bill.
5. In a modern democracy, a civil servant is an official in the service of the people and is recruited based on predetermined qualifications.
6. They are responsible for managing the resources given to them by the government and making use of them efficiently and effectively.
7. A sound parliamentary system of government requires civil servants to maintain their integrity, fearlessness, and independence. One of the most important functions of the civil service, as stated by the head of the Canadian Public Service, is to “speak truth to power.”



8. The crisis of ethics and accountability in civil servants exposes many issues related to the structure of the code of conduct, constitutional protection, the politician-bureaucratic nexus, and their political victimisation.

To address these issues and maintain integrity and discipline amongst civil servants, various reform committees such as the Santhanam Committee (1964), Hota Committee (2004), and the most recent Second Administrative Reform Committee Report (2005) have been formed.

Code of conduct for civil servants

1. A legally enforceable code of conduct sets out the standards of behaviour expected of those working in the public service.
2. The Civil Service code outlines the Civil Service's core values, and the standards of behaviour expected of all civil servants in upholding these values.
3. In India, the current set of ethical norms are the Conduct Rules, contained in the Central Services (Conduct) Rules, 1964 and analogous rules applicable to members of the All India Services or employees of various State Governments.
4. The code of behaviour as enunciated in the Conduct Rules contain general norms like 'maintaining integrity and absolute devotion to duty'

Administrative ethics refers to the professional code of morality in civil service. They constitute the moral fibre of civil servants and regulate the conduct and behaviour of different categories of civil servants.

The civil service, being a profession in the modern state, has developed a code of morality for its members. The code of ethics consists of traditions, precedents, and standards which have to be kept up by the civil servants. The civil servants are expected to set up high moral standards not only for themselves for the community at large, particularly, in the context of the growing importance of administration and its impact on the society.

Public service ethics are a prerequisite to, and underpinning of public trust, and are a keystone of good governance. Citizens expect public servants to serve the public interest with fairness and to manage public resources properly on a daily basis. Democratic values such as equality, law, justice etc. have moral connotations and require a strong commitment from civil servants. Civil servants are duty bound to uphold these values.

Highlighting the importance of administrative ethics, P.R. Dubhashi said, "It is of utmost importance that the public administration should be efficient but it is even more important that it should be ethical. It is said of an individual that if character is lost, everything is lost. It could be stated about public administration, that if ethics is lost, everything is lost."

Now, let's look at scholarly perspectives on Administrative ethics

Chester Barnard has described the ethical conduct or moral behaviour as "governed by beliefs or feelings of what is right or wrong regardless of self-interest or immediate consequences of a decision to do or not to do specific things under particular conditions."

Glen Stahl (in his book Public Personnel Administration) rightly remarked, "the problem of ethical conduct of public official arises by virtue of the power and influence that he commands and the commitment that he undertakes of loyal and disinterested service to the public."



Paul H Appleby in his book *Morality and administration in Democratic Government* preferred the expression *Morality* instead of *Ethics*. He argues that morality and administration cannot be separated. He remarked, “It is not merely bigger government that ultimately matters; what is significant is that morality in administration alone could ensure better government.

He delineated the following attributes of a moral administrator:

1. A Sense of Responsibility
2. Skills In Communication And Personnel Administration
3. Ability To Cultivate And Utilize Institutional Resources
4. Willingness To Engage In Problem-Solving And To Work With Others As A Team
5. Personal Confidence To Initiate New Ideas
6. Prefers To Be Influenced By Public Needs, Interests And Sensitivities Rather Than Resorting To The Use of Raw Bureaucratic Power. Ten Commandments For An Administrator
7. Most Important Factor In Administration Is Conviction, In Human Relationships.
8. A Good Administrator Should Try To Anticipate The Behaviour Of People.
9. The Administrator Must Be Functionally Active Which Means, He Should Have His Own Sources of Information.
10. The Administrator Should Be Clear In Communication.
11. The Administrator Should Avoid Sharp Departure From The Accepted Policy.
12. The Administrator Should Undertake Intensive Touring To Be Close To People And Workers At The Cutting Edge.
13. The Administrator Should Enlist Public Co-Operation Without Being Propagandist.
14. The Administrator Should Ensure That The Unity of Command In A Department Is Not Disrupted.
15. The Administrator Is A Trustee of Public Interest And Not A Ruler Over Public .

Summary

States, governments, and other public bodies were clearly entering a period of transformation even before the twentieth century came to an end. New study on more inputs and reorganization of the duties of the state and those of the public services with relation to society and the economy has been spurred by a distinct set of equations between politics, economy, culture, and civil society. Planning for moral enhancement in the public sector raises important issues that have an impact on democracy, the rule of law, public motivation and ethics, and government relations with civil society. A holistic and reflexive approach to ethical reasoning would consequently be necessary to convert mutually incompatible dilemmas into solvable issues. Therefore, modernization and change in public administration apply not only to the civil society but also to the civil service and public administration in a variety of ways that are applicable both locally and globally.

Ethics must therefore allow for a reasonable amount of freedom when it comes to crafting a sound decision when it comes to public administration. It is clear that government employees are better suited to address a person's needs. Therefore, it is imperative that morals and ethics come first in today's public administration.



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