



TOWARDS ETHICAL CONTROL: A STUDY OF CONDUCT AND DISCIPLINE IN INDIAN ADMINISTRATION

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ABSTRACT

Organized human living rests on certain well accepted, "Do's and Don'ts"; is the administrative life in all civilized societies of the world. The public servant is everywhere expected to observe a specified 'code of conduct'. His reward for such observance is his continuance in his post and his admission to the numerous facilities incorporated in his service conditions. Any lapse, whether conscious or 'unconscious, minor or major involves a breach of discipline and is subject to punishment which could vary from a simple warning to overnight dismissal. The 'conduct rules' as also the 'disciplinary Procedure, therefore occupy a very important place in the realm of civil service network. Irrespective of his place of work, there is always a framework of moral and functional restraints within which a civil servant works; in fact this fact makes him less than an average citizen. The disciplinary procedure, however, differs both in theory and practice from one country to another. It could originate as legal, constitutional or administrative functions; and this in turn would influence the nature of procedure. However, both the, 'conduct rules' and the 'disciplinary procedure' equally reflect the social and political aspects.

INTRODUCTION:

Every organization, public or private, has certain rules and regulations governing the conduct or behavior of its employees. Human nature, being the blend of vice and virtue, needs to be tied of under prescribed code of conduct and discipline. High moral standard of conduct among the public servants is of utmost necessary so as to set an example for the people at large integrity and discipline in the service and political neutrality are very important for an effective personnel system. Promotion of the employees depends upon there good behavior observance of discipline in the service. To prevent abuse of power by civil servants conduct rules are necessary to insure that. For these reasons, all governments formulate and enforce a coed of rules to regulate the conduct of the employees.

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

Administrative ethics denote the professional coed of morality in civil service. They constitute the moral fiber of civil servants. They regulate the conduct and behavior of different categories of civil servants thus; they provide rules of the game. The civil service, being profession in modern state, has developed a coed of morality for its members the coed consists of tradition, 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 but also for the community at large. This is more so in the context of the growing size and role of administration and its impact on the society.

Chester Barnard has described the ethical conduct or moral behavior as

“governed by the beliefs or feelings of what is right or wrong regardless of self interest are immediate consequences of a decision to do or not to do specific things under particular conditions.”

O. G. Stahl in his book public personnel administration rightly remarked;

“the problem of ethical conduct of public officials arises by virtue of the power and influences that he commands and commitment that he undertakes of royal 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. One would not doubt that the morality in administration is sustained by patience, honesty, loyalty, and cheerfulness, courtesy and like traits”. He delineated the following attributes of 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 young 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 sensitivity rather than resorting to the use of raw bureaucratic power.

Germany was the first state in the modern times to professionalize its civil service. Obviously it developed a professional code for civil servants. However it contains authoritarian, bureaucratic and other non democratic elements, besides the usual ethics. Britain was the first country which developed the democratic type of professional code for civil servants in fact the British civil service is well known for its administrative ethics.

Regarding the position in India P.R.Dubhashi summarizes very well

“In India, though there is no ethical code for public administrators, there are, what are called, the government servant conduct rules. These rules lay down what constitutes misconduct for the public servants. It is apparently implied that such misconduct, which is not permitted, is also unethical conduct”.

The Historical Context

Ethics, whether in an entire society, or in a social sub-system, evolves over a long period of time and is influenced, during its nurturance and growth, by a variety of environmental factors. Administrative ethics is no different. It is the product of several contextual structures and it never ceases to grow and change. Let us now look at some of these contextual factors that influence ethics in the public administrative systems:

The history of a country marks a great influence on the ethical character of the governance system. The Spoils System in the USA during the initial phase of the American nation vitiated the ethical milieu of the American Public Administration. “To victor belong the spoils” asserted American President Jackson. Things would have continued the same way had not a disgruntled job seeker assassinated President Garfield in 1881. Garfield’s assassination spurred the process of civil service reforms in the USA, and the setting up of the US. Civil Service Commission in 1883 was the first major step in this direction.

India has witnessed a long history of unethical practices in the governance system. Kautilya’s Arthashastra mentions a variety of corrupt practices in which the administrators of those times indulged themselves. The Mughal Empire and the Indian princely rule were also afflicted with the corrupt practices of the courtiers and administrative functionaries, with ‘bakashish’ being one of the accepted means of selling and buying favors. The East India Company too had its share of employees who were criticized even by the British parliamentarians for being corrupt.

The forces of probity and immorality co-exist in all phases of human history. Which forces are stronger depends upon the support these get from the prime actors of politico-administrative system. What is disturbing is that a long legacy of unethical practices in governance is likely to enhance the tolerance level for administrative immorality. In most developing nations having a colonial history, the chasm between the people and the government continues to be wide. In the colonial era, the legitimacy of the governance was not accepted willingly by a majority of population and therefore, true loyalty to the rulers was a rare phenomenon. Although the distance between the governing elite and the citizens has been reduced substantially in the transformed dispensation. Unfortunately, even the ruling elite does not seem to have imbibed the spirit of emotional unity with the citizens. The legacy of competitive collaboration between the people and the administrators continues to exist. The nature of this relationship has an adverse impact on 'administrative ethics'.

Underlying Theoretical Framework

In the later part of the 20th century, there is not yet an underlying theoretical framework of administrative morality. Rather there is a conglomerate group of scholars, each investigating and theorizing about some small part of what it means to be a moral administrator, or how a government or a citizenary encourages administrative morality or how administrative morality can be taught, encouraged, or enforced. Today's scholarly divergence is rooted in what has come to be known as the "Fredrich- Finer debate".

Begun in the late 1930s the debate was summarized by Finer (1941) as follows :

"My chief difference with professor Fedrich was and is my insistence upon distinguishing responsibility as an arrangement of correction and punishment even up to dismissal both of politician and officials, while he believed and believes in reliance upon responsibility as a sense of responsibility, largely unsanctioned, except by difference or loyalty to professional standards."

This debate has continued in one form or another through the years in 1995, it has become a part of two large frameworks which Brent Wall (1991) calls the "bureaucratic ethos" and the "democratic ethos." Within the bureaucratic ethos paradigm, the public administrator is viewed as a technocrat who is employed to follow directions, and who requires control mechanisms to ensure responsible moral conduct. Administrative morality here is couched in terms of technical expertise and efficient government service. Within this paradigm, public administrators are viewed as functionaries, not critically responsible humans. Their authority is predicated upon Weber's *zwerkrationale*; legal national authorities. In this set of assumptions, administrative morality emerges from a system of legitimation rather than a system of values. Here the moral dilemma is how to enforce the rules- what is known as how to get administrators to "do the thing right."



The democratic ethos, on the other hand, places administrative morality in a societal framework, where the moral administrator is described in relation to regime values, citizenship, serving the public interest, and commitments to social equity. The democratic ethos calls for responsive and responsible decision makers who are able to define the ethical dimensions of a problem, and to identify and respond to an ethic of public service. Those who argue for democratic ethos in administrative ethics suggest that no public servant is insulated from politics and that simply following the rules may be an inadequate moral response. Within the philosophy of a democratic ethos lies the recognition that a public administrator may be required to choose between two equally legal possibilities and must therefore determine “to do the right thing.”

The horns of the dilemma can be captured in the current concerns worldwide about controlling corruption in government. The bureaucratic functionary carrying out carefully prescribed technical responsibilities will have little opportunity to act corruptly, to counter, or even to report corruption of political officials. Bureaucracy is predicated upon control by laws and sanctions. The bureaucrat whose behavior must be controlled is seen as a technocrat, not a moral actor. As the 19th century philosopher de Tocqueville pointed out, it takes moral efforts to probe for personal insight. An emphasis on following the rules diminishes the ability to make moral judgments.

On the other hand, public administrator who is responsible citizen first is not so easily controllable. This administrator exercises discretion, rather than blind obedience. For an administrator seeking to “do the right things.” John Rohr (1988) suggests that the moral problem is “how to exercise discretionary powers in a responsible manner even though he is not formally accountable to electorate” (P. 170). Here, administrative morality requires integrity, which has been characterized by Dobel (1990) as “regime accountability, personal responsibility, and prudence.” Such integrity may mean that the public employee is less controllable, but more responsible.

The ideological difference between controlled behavior and socially responsible behavior is captured in what’s known as the ethical “low” and “high” roads. The “low road” is reactive and negative. It emphasizes compliance and can result in adherence to letter of the law while the intent of the law goes unaddressed. The “low road” focuses on prohibiting wrong doing and requires elaborate rules with strict enforcement procedures. Here administrative morality can be described as obedience and compliance.

The “high road” is an affirmative strategy that expects administrative discretion encourages ethical behavior and deters, rather than merely detects, problems. The “high road” is proactive and affirming. It is the road of people with high standards. Here administrative morality can be described as responsible, responsive behavior at its best.

What kinds of administrators are able to take the high road? They were first described by Stephen Bailey in a 1964 article in Public Administration Review. Bailey identified three mental attitudes and three moral qualities necessary for administrative morality. Public servants, he said, must have the qualities of optimism, courage and fairness tempered by charity. These qualities will interact to enable the administrator to overcome the inadequate information, ambiguity and indecision that are inherent in the government work place. Bailey's description of administrative morality is the foundation upon which the current discussion of virtue and ethics are based.

Clearly there is disagreement about how to describe administrative morality and how to ensure it. As Jos (1990) noted, "public administrations attempts to develop an account of the morally responsible administrator now span 50 years, and while the efforts has been worthwhile, the result have been disappointing ."

Current Practice in India

In India all following elements of administrative ethics are contained in the various civil service conduct rules. The important ones are; All India Services (Conduct) Rules, 1954 ; Central Services(Conduct) Rules, 1955; Central Services (Conduct)Rules,1964; and Railway Services(conduct) Rules, 1956. In addition following there are several rules and instructions dealing with particular situation pertaining to civil servants.

The various elements or components of administration ethics are:

- Integrity
- Loyalty to the nation
- Honesty
- Efficiency
- Non partisan attitude
- Humbleness
- Non corruptiveness
- Devotion to the duty
- Sense of public good
- Secrecy
- Neutrality
- Annomity
- Impartiality
- Fairness
- Sincerity

Public Services code

The government shall Promote Public Service Values and the standard of ethics in the Public Service operations, recovering and facilitating every public Service employee

- To discharge official duties with compitaints and accountability; care and diligence; responsibility, honesty, objectivity and impartiality without discrimination and in accordance with law
- To ensure effective management, professional growth and leadership development
- To avoid misuse of official position or information and using the public money with utmost care and autonomy
- Function with the objective that Public Services and Public Servants are to serve as instruments of good governance and to provide services for the betterment the public at large; foster socioeconomic development, with due regard to the diversity of the nation but without discrimination on the ground of cast, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker section.

In India, civil service values have evolved over years of tradition. These values also find place in various rules, including the code of conduct. The current set of enforceable norms is Conduct Rules, typified by the Central Civil Services (Conduct) Rules-1964 and analogous rules applicable to members of All India Services or employees of various state governments. As mentioned earlier, the code of behavior as enunciated in the Conduct Rules, while containing some general norms like maintaining integrity and absolute devotion to duty and not indulging in conduct unbecoming of a government servant are generally directed towards cataloguing specific activities deemed undesirable for government servants. A comprehensive Civil Service Code can be conceptualized at three levels at the apex level; there should be clear and concise statement of the values and ethical standards that a civil servant should imbibe. These values should reflect public expectations from a civil servant with reference to political impartiality, maintenance of highest ethical standards and accountability for actions. At the second level, the broad principals which should govern the behavior of civil servant may be outlined. This would contribute the code of ethics. at the third level there should be a specific code of conduct stipulating in a precise and unambiguous manner a list of acceptable and unacceptable behavior and actions. The commission feels that the value and the code of ethics should be given a statutory backing by including them in proposed Civil Services bill In India the Second Administrative Reform commission is of the view that in addition to commitment to the Constitution these values should include;

- a) Adherence to the highest standards of probity, integrity, and conduct

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- b) Impartiality and non partisanship
- c) Objectivity
- d) Commitment to the citizens concerns and public good
- e) Empathy for the vulnerable and weaker sections of society.

Second Administrative Commission has studied the issue of ethics in public life in other countries and its report on “Ethics in Governance”; it has highlighted the seven principals of public life and enunciated by the Nolan Committee in UK. Drawing from these, the commission would suggest the inclusion of following principals in the Code of Ethics for the civil servants in India:

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

CONCLUSION:-

Ethics is a comprehensive concept, encompassing all facets of administration. Emphasis on moral and ethical norms has been an integral part of our tradition. Though vices of corruption, malpractices and bureau pathologies have slowly creped in our system, the combat measures have not been very effective. Administrative reforms measures have to be holistic enough taking into their purview questions on nature of work ethics, various dimensions of ethics, foci and concerns of ethics and also the nature of obstacles to ethical accountability.

For any governance system to be transparent, accountable, efficient and sensitive, a Code of Ethics in the form of service rules, procedural norms, and administrative strategies the requirement of the day is. It is not possible to bring into force a Code of Ethics if it is self-serving and is subject to constant external interference and manipulation. A certain degree of

autonomy is a pre-requisite for any code to be successful. We are witnessing a change in the pattern of authority, obedience and discipline. Moreover, globalization trends have brought in a kind of universalisation of ethical norms and values. Philosophy of governance has transcended international boundaries. Almost every rung of administration is involved in decision-making. The conflict between individual values, organizational standards and societal norms is clearly visible. Though the code may not reflect a consensus of opinion on ethical issues, it can still provide direction and advice with regard to ethical conduct and assist the administrators in analyzing their options and alternatives in the right perspective. This Unit highlighted these very pertinent features.

***“You must be the change
You wish to see in the world.”
Mahatma Gandhi***

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