

ETHICS IN GOVERNANCE

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*Atma-aupamyā means equality of others with oneself. Even as he
Desires well to himself, he desires good to all. He embraces all
Things in God, leads men to divine life and acts in the world
With the power of Spirit and in that luminous consciousness .He
Harms no creature as he “sees that whatever is pleasant to himself
Is pleasant to all creatures, and whatever is painful to himself, is
painful to all beings”*

Verse 32, Ch VI.

Life has double purpose-Personal perfection and Social efficiency.

Verse 78 Ch XVIII

When Plato prophesized that, there would be no ‘good government ‘ in the world until Philosophers became Kings, he meant that human perception was a sort of marriage between ‘ high thoughts and Just action’. This according to ‘Gita’ must be forever, the aim of man.

Dr Radhakrishnan in Bhagwat Gita

‘Ethos’ is a Greek word, originally meaning “accustomed place”, “custom, habit” equivalent to Latin word ‘mores’.

‘Ethos’ forms the root of word ‘ ethikos’, meaning “ moral, showing moral character”. Later, Latin borrowed it as ‘Ethicus’, the feminine of which ‘ethica’ (moral philosophy) is the origin of the modern word “ethics”

The word ‘ Ethics’ has been defined in varied terms. Oxford Dictionary states this to be meaning ‘ science of morals in human conduct; moral principles or code’.

Morality could be said to be a ‘set of norms through which Societies historically define behaviour that is viewed as *good* or *bad*, as acceptable or not, by the community. Ethics, on the other hand, may be seen as being synonymous with morality, the science or Theory of Moral - practices. Ethics could also be thought of as the Character or ethos of an individual or a Group – the hierarchy of Values and norms which he/she or they, identify for him/ herself or themselves against a prevailing moral –code.

Morals or Morality originates in Social practices while Ethics, as a science, is a rational behaviour. Ethics as a set of Principles, give a rational justification for behaviour. They define individual and Group priorities, and in the end, they may arrive at a systematic body of moral-norms, as individual and group practices get interwoven. It is also said that a 'Moral life gives a deeper meaning to the Ideas of Reason.

The Ideas of Truth, Goodness and beauty are Ontological-the very subsistence of 'being.'

The word "Governance" has Latin origins that suggest the notion of "steering". One can contrast this sense of 'steering' a group or Society with the traditional " Top-down" approach of governments 'driving' society, distinguish between governance's "power to" and Governments 'Power -over".

Perhaps the most moral or natural purpose of Governance consists of assuring on behalf of that Governed, a worthy pattern of good while avoiding an undesirable pattern of bad. The ideal purpose, obviously, would assure a perfect pattern of good with no bad. A Government comprises a set of inter-related positions that govern and that use or exercise power, particularly "coercive" power.

A good Government, following this line of thought, could consist of inter-related positions exercising coercive power that assures, on behalf of those governed, a worthwhile pattern of good results while avoiding pattern of bad circumstances, by making decisions that define expectations, grant power, and verify performance.

The World Bank defines Governance as 'the exercise of Political authority and the use of Institutional resources to manage Society's problems and affairs'.

The 'Worldwide Governance Indicators' project of the World Bank, defines 'Governance' as "the traditions and institutions by which authority in a country is exercised' A Fair Governance is defined to 'imply that mechanisms function in a way that allows the Executives (the "agents") to respect the rights and interests of the stakeholders (the "principals") in a spirit of Democracy.

Some suggest making a clear distinction between the concepts of 'governance' and of ' politics'. Politics involves processes by which a group of people with initially divergent opinions or interests reach collective decisions generally regarded binding on the group, and enforced as common policy. Governance, on the other hand, conveys the administrative and process-oriented elements of governing rather than its antagonistic ones.

Conceiving of Governance in this way, one can apply the concept to a Nation –State, to Corporations, to non-profit organizations, NGO's to Partnerships and other associations.

Here we are concerning ourselves with apolitical Public Servants, executing the Policy decisions taken by the Political Executive.

It needs to be appreciated that Good Ethics and Governance are not just 'moral' or 'compliance' issues. They are not only germane but form the foundation of a Governance infrastructure considered a sin-qua-non for "inclusive and equitable" growth and development of the people at-large.

What ails the Public Service?

Scandals involving Public Officials have captured World attention these days. Precipitated by shady deals, diversion of Public funds, widespread public sector patronage, crony Capitalism, Corruption, delay in taking decisions, people are debating outright corruption and unprofessional behaviour / conduct of professional civil services/ servants. Systematic delays in taking final decision, negligence in finding a solution to the problem, interventions to address specific demands or insistence outside the legal framework, breach of professional secrecy/ confidentiality, manifestations affecting the prestige of public authority or institution, refusal to perform and /or breaching of statutory duties, incompatibilities, conflict of interest and prohibitions established by law for Civil Servants, direct relationship with the petitioners to settle their claims etc could be cited as examples of failure of ethics in governance.

Are Public Servants, the backbone of Governance infrastructure, held to be of higher standards of performance and conduct than others? If so, Why? With the advent of the modern State, Government Officials have been and are seen as 'stewards' of Public resources and 'guardians' of a special Trust that Citizens have placed in them. In return for this confidence, they are expected to put public interest above self –interest.

The Public Service, made up of those employees of the State, who are covered by National and Sub-national Service laws, plays an indispensable role in 'sustainable development and God Governance' of a Nation. It is an integral part of the Democracy, because it serves as the 'neutral' administrative structure, which carries out the decisions of the Elected Representatives of the people. It not only serves as the backbone if the State in implementing a strategy for Economic growth of a nation, but also runs the 'programmes that function as the safety net for the most vulnerable segments of the society. Given these crucial roles, a country expects its Public Service to demonstrate high standards of 'Professionalism' and "ethics".

As intermediaries, public service professionals are expected to give their undivided loyalty to the rulers and devote themselves wholeheartedly to conducting Public business, giving assistance to the best of their abilities, for which they were favoured a social status and a secure remunerative livelihood. Like other embryonic professions, career Public Servants were expected /obliged:

- To learn their craft (i.e. the craft of Public administration)**
- To become experts in some chosen specialty;**
- To become an example of exemplary behaviour and conduct;**
- To maintain highest level of knowledge and skills, avoid conflict of Interest by placing the public interest over self-interest;**
- To discipline wrongdoers and any other members bringing Disrepute to the profession;**
- To generally advance the state of their ‘art’ through research, Experimentation, creativity and innovation, keeping the Welfare of the people and the legal framework in mind.**

With the evolution of Democracy, Professional public servants were obliged to stay in the background, and not to embarrass their superiors, but more importantly, to be advocates of the Public interest, guardians of public property and money, Stewards of properly conducted public business, protectors of Rule of law, patrons of the under represented (including the dispossessed, the Underprivileged, the (defenceless), and Social change agents. It needs to be appreciated that Public is a hard taskmaster and not a particularly rewarding employer. Rewards for the Public servant has to come from the job itself, from serving the public and the community, in delivering much needed public goods and services, without which the public would suffer, *in being c lose to the Government power and able to exercise inside pressure on the decision makers*, in being able better than most to influence the shape of the society, the environment and the future, and in earning the respect and admiration of public for a job well done. This is living unto the high standards of ‘ethics in Governance’

Those who belong to the Order of Public Services are expected to possess ‘mental’ and ‘moral’ qualities. Power corrupts and blinds ‘insight’; uncontrolled power is fatal to mental poise, hence the Public Servants should eschew direct power and exercise control through ‘persuasion and love’, and save the wielders of power from going astray.

Values of Public Service Ethics

- Providing Public benefits;**
- Meeting identifiable social needs;**
- Doing Good for furthering the Public interest;**
- Advancing universal human values;**

- Improving the quality of life, which makes them happier, capable of helping themselves and coping with their situation;
- Avoiding harm to others;
- Being accessible and allowing access in respect of delivery of goods/services;
- Enforcing the Rule of Law;
- Respecting Political subordination
- Obeying administrative limitations;
- Pursuing Justice and fairness;
- Ensuring Public responsibility and accountability;
- Being open and transparent;
- Being on record what you do;
- Being honest and Responsive;
- Being human, humane and correct;
- Improving professional performance;
- Combating bureau pathology- all large organizations suffer from deficiencies and shortcomings, which if left untreated, get out of hand and eventually result in severe obstacles to improve their performance. Public Service professionals should realize that these bureaupathologies need to be admitted, diagnosed quickly, and tackled promptly with the best available remedies.
- Altering the Master-servant relationship and promoting Democracy: Public servants come to assume themselves to be masters and their clients i.e. public at large, their servants. It needs to be appreciated that Democratization reverses the relationship. The State's subjects are now citizens with guaranteed rights and freedom enforced by public service professionals.
- Guarding against corruption: If the Public servants clearly demonstrate that they do not tolerate corruption, there is little chance that it can survive, let alone flourish, except in isolated relatively unimportant incidents, whose revelation should only strengthen the need for increased vigilance.
- Experimenting with Public participation.

Principles for Managing Ethics in the Public Service (governance)

1. Ethical standards for Public Service should be clear

Public Servants need to know the basic principles and standards they are expected to apply to their work and where the boundaries of acceptable behaviour lie. A concise, well-publicized Statement of Core Ethical Standards and Principles that guide Public Service, for example, in the form of Code of Conduct, can accomplish this by creating a shared understanding across Government and the broader community.

2. Ethical standards should be reflected in the Legal Framework

The Legal Framework is the basis for communicating the minimum obligatory standards and principles of behaviour for every Public servant. Laws and Regulations could state the fundamental values of Public Service and would provide the framework for ‘guidance’, ‘investigation’, disciplinary action’ and ‘prosecution’.

3. Ethical Guidance should be available to Public Servants

Professional socialization could contribute to the development of the necessary judgement and skills enabling Public Servants to apply ‘ethical standards’ in concrete circumstances. Training facilitates awareness about the ‘ethical standards’ and can help develop essential skills for ‘ethical’ analysis and ‘moral’ reasoning. Impartial advice can help create an environment in which Public servants are more willing to confront and resolve ‘ethical’ tensions and problems. Guidance and internal consultation mechanisms should be made available to help Public servants apply basic ‘ethical standards’ in the workplace.

Government’s policies should clearly demonstrate its commitment to ‘Ethical standards’ It is not enough / sufficient for governments to have only ‘rule-based’ or ‘compliance-based’ structures. Compliance systems alone can inadvertently encourage some Public servants simply to function on the edge of misconduct, arguing that if they are not violating the Law, they are working ethically. Government Policy should not only delineate the minimal standards below, which a Government Official’s actions will not be tolerated, but also clearly articulate a set of ‘ Public Service Values’, that employees should aspire to Public Service.

4. Public servants should know their Rights and Obligation when exposing wrongdoing.

Public servants would need to know, what their rights and obligations are, in terms of exposing actual or suspected wrongdoing within the public services. These should include clear Rules and Procedures for Officials to follow, and a formal chain of responsibility. Public servants would also need to know, what protection would be available to them in cases of exposing wrongdoing?

5. The decision –making process should be open and transparent and open to scrutiny.

The public has a right to know how public institutions apply the power and resources, entrusted to them. Public scrutiny should be facilitated by transparent and Democratic processes, oversight by the Legislature and access to public

information. Transparency should also be further enhanced by measures such as disclosure systems, and recognition of the role of an active and independent Media.

6. There should be clear Guidelines for interaction between the Public and Private sectors.

Clear Rules defining 'ethical standards' should guide the behaviour of the Public servants in dealing with the Private sector, for example regarding Procurement, out-sourcing etc Increasing interaction between the Public and Private sectors demands that more attention should be placed on Public Service 'values', and requiring external partners to respect these 'values'.

7. Senior Public servants should demonstrate and promote Ethical conduct.

An organizational environment, where high standards of Conduct are encouraged by providing appropriate incentives for Ethical behaviour, such as adequate working conditions and 'effective performance assessment', has a direct impact on the daily practice of 'Public service values and Ethical standards'. Senior Officers have an important role in this regard by providing consistent 'leadership' and serving as 'Role Models, in term of Ethics and Conduct', in their professional relationship with Political leaders, other Public servants and Citizens.

8. Public Service Conditions and management of Human Resources should promote Ethical conduct.

Public Service employment conditions, such as career prospects, personal development, adequate remuneration, and Human Resource Management policies should create an environment conducive to Ethical conduct. Using basic principles, such as merit alone in matters relating to Recruitment and Promotions help operationalise 'integrity' in Public Service.

9. Adequate accountability-mechanisms need to be in place within the Public service.

Public Servants should be accountable for their actions, especially not taking action when he is expected to do so, to their superiors and more broadly to the public. Accountability should focus both on compliance with the 'Rules and Ethical principles' and on 'achievement of Results'. Accountability mechanisms could be internal as well as Government -wide, or can be provided by Civil society. Mechanisms promoting accountability could be in place by providing adequate controls while also allowing for appropriate flexibility to public servants within certain prescribed limits.

10. Appropriate procedures and sanctions should exist to deal with misconduct.

Mechanisms for the detection and independent investigation of wrongdoing such as corruption are a necessary part of an Ethical infrastructure. It is necessary to have reliable procedures and resources for monitoring, reporting and investigation breaches of Public service Rules, as well as commensurate administrative or disciplinary sanctions to discourage mis-conduct. Senior / superior Officers should exercise appropriate judgement in using these mechanisms when action needs to be taken.

This leads inexorably to the question:

WHAT ARE THE ETHICAL PRINCIPLES THAT APPLY TO ALL PUBLIC SERVANTS?

They could be listed as follows: -

- **Compassion: concern for the well-being of others;**
- **Non-maleficence: avoiding inflicting suffering and hardship on others;**
- **Beneficence: preventing and alleviating other's suffering; meeting the needs of the most vulnerable; promoting other's happiness;**
- **Fairness: treating people the way they deserve to be treated, as having equal rights, unless 'merit' or 'need' justifies special treatment;**
- **Courage in opposing injustice;**
- **Respect for individual autonomy; not manipulating rational individuals even for their own good;**
- **Respect for the Constitution and other Laws enacted by legitimate Governing bodies;**
- **Honesty-not deceiving anyone who deserves to know the truth;**
- **Not making promises that we do not intend to keep;**
- **Integrity- upholding our obligations inspite of personal inconvenience.**

Some Specific Obligations of Public Officials:

- **Use impartial judgement in the service of all constituents;**
- **Avoid conflict of interest that could undermine his objective judgement;**

- Do not show favoritism towards family and friends while discharging official functions;
- Do not accept bribes or any consideration from people seeking to influence your official decisions;
- Do not invest in property or companies that could be affected by your official decisions;
- Do not rubber-hose the staff, name-call, storm off snipe, talk under breath with others while testifying in Public, or de-mean other officials or your staff in other ways in a public meeting.

“ He that does Good to another does also good to himself; not only in the consequence, but in the very act of doing; for the consciousness of well being is an ample reward”

Seneca

It may be germane to reproduce Mahatma Gandhi's *Songs from Prison* (1934): -

Grant me O Master, by thy grace
 To follow all the good and pure
 To be content with simple things;
 To use my fellows not as means but ends
 To serve them stalwartly, in thought, word and deed;
 Never to utter word of hatred or of shame;
 To cast away all selfishness and pride:
 To speak no ill of others,
 To have a mind at peace,
 Set free from care, and led astray from Thee
 Neither by happiness nor woe,
 Set out my feet upon this path,
 And keep me steadfast in it,
 Thus only shall I please thee, serve thee right.

In his celebrated book 'Idea of Justice' Prof. Amartya Sen explains the words 'niti' and 'nyay' and states-" Among the principle use of the word 'niti' are organizational propriety and behavioural correctness. In contrast with 'niti', the term 'nyay' stands for comprehensive concept of REALISED justice. In that line of version, the roles of Institutions, rules and organization, important that they are, have to be assessed in the broader and more INCLUSIVE perspective of 'nyay', which is inescapably linked with the world that actually emerges, not just the Institutions or Rules we happen to have.

HENCE THE NEED FOR ETHICS IN GOVERNANCE.