

1. How does the Indian Constitution act as a source of ethical guidance? Explain with the help of suitable examples.

Introduction

Indian constitution is the supreme law of land. It is the lengthiest written constitution in the world and acts as source of ethical guidance to citizens, policy makers and various other stakeholders.

Body

The constitution act as a source of ethical guidance through its sources such as Basic Text of the Constitution, Constituent Assembly debates, Freedom struggle, and Case Law Histories etc., They are

- **Values:**

The constitution of India is liberating in nature and it has incorporated our historic values, societal ethics and guided the customary morality to suit the modern times.

- Rule of law (Article 14)
- Equality (Article 18), eradication of social evils like untouchability (Article 17)
- Intolerance for corruption- Constitutional Bodies such as CAG, ECI etc.,

Virtue ethics:

- As per virtue ethicis, justice is fundamental for maintaining order of society. Justice is the first value mentioned in the preamble of the constitution. All form of justice - social, economic, political have been mentioned. This implicitly inspires for 'distributive justice'.

Compassion:

- Constitution preaches equality, fraternity, compassion for weak and vulnerable through affirmative action. (Eg. Articles 15 &16)

Duty Based ethics:

- Article 51A of Constitution provides fundamental duties to give way to 'duty based ethics for the citizens.

Peace:

- Tolerance, non-aggression and universal brotherhood is depicted in article 51 of the constitution which directs the state too promote international peace and security, maintain just and honourable relations between nations and foster respect for international law.

Responsibility towards environment:

- Environmental ethics is prominently preached by the constitution. for instance, article 48A is a constitutional pointer to the state to protect and improve the environment and

- Article 51A (g) confers a fundamental duty on the citizens of India to protect and improve the environment and have compassion for living creatures.

Conclusion

Even after six decades of making, the Indian sacred document has been proved successful because of its strong ethical foundations and continues to guide the state and its subjects in an ethical direction.

2. Can legally enforced accountability measures be successful if the appropriate ethical drive is absent? Critically examine.

Introduction

Accountability ensures those in position of power or decision making are held responsible and answerable for their actions.

Body

Ethics and accountability are closely related topics, however there lies significant difference. Accountability without ethical drive may not be successful.

May not be successful:

- Strictly following the rules to ensure accountability might not always help the poor/needy. Consider an example of a public official, assigned with the task of distributing wheel chairs to disabled old people in a village. But, his senior official informs him to distribute it only to those holding Aadhar card. So, he might not be able to provide wheelchair to few, who don't have Aadhar card despite knowing their condition. Hence, the accountability is not successful in such scenarios.
- Accountability without compassion, will affect the public trust on government officials and this can also affect the self-accountability of the official.
- Accountability alone cannot ensure efficiency and effectiveness, it needs to be supplemented with transparency, empathy, honesty, integrity etc.
- Accountability affects the free will of the individual. Free will gives space of innovation or creativity without the interference of the state.
- Accountability might act as a deterrent, as acknowledged by ARC reports. The fear of consequences might lead to inactivity from decision makers.
- Accountability sometimes may give way to red tapism and implementation delay, which could turn the action plan futile in certain cases.

However, this isn't the case always:

- Accountability in itself promotes ethical governance and principles such as impartiality, honesty etc. An example- Public disclosure of names of

beneficiaries of any scheme is an accountability mechanism that prevents government from selecting beneficiaries on the ground of favouritism or nepotism.

- The provision of dispute resolution would ensure better quality of decision making. Civil servants are held accountable through code of conduct which prevents transgression of decision making capacity. The public official is not under any influence and will act in an unbiased manner.
- Accountability addresses issues like conflict of interest, partisanship etc in a better way. This will ensure professionalism, dedication and source of motivation.
- Accountability brings in many actors such as the governed and the governing. Provisions such as RTI, Social audit would ensure its effectiveness.

Conclusion

Overall, accountability isn't the silver bullet to ensure efficient decision making and implementation. It must be aided with ethical values and governance to ensure better effectiveness and efficiency of public policy.

3. How does one's conscience help in ethical decision making? Illustrate.

Introduction:

Gandhi Ji famously said, "There is a higher court than courts of justice and that is the court of conscience. It supersedes all other courts."

Conscience is the voice in our head, and the feeling in your heart, that tells us if something is right or wrong. It is the voice of the inner-self which says "yes" or "no" when we are involved in a moral struggle. It is an internal monitor.

Body:

Our conscience is our inner guide and it helps you figure out how to make good choices. As we grow up, we learn right from wrong. Our conscience is the thought and feeling we have that tells us whether something is a right or wrong thing to do or say. Conscience is a consistent guide to ethical decision making:

- A human being always comes across ethical dilemmas in the decision making the process. Conscience acts as the guide for taking correct decisions when we have to choose between competing sets of principles in a given, usually undesirable or perplexing, situation.
Example: Helping accident victim on your way to an interview.
- The conscience of an individual helps in analyzing the situation from different perspectives and help in taking the right decision.
Example: Your treatment may change for a criminal who has stolen something because he needed money for his mother's treatment.

- Conscience helps in avoiding Conflicts of interest for better decision making.
Example: Deciding between personal gains and public welfare.
- Conscience is our ability to make a practical decision in light of ethical values and principles. Example: Follow the orders from superior v/s to follow the right path.

Conscience indicates 'a person's moral sense of right and wrong' as well as the consciousness of one's actions. Expressions such as 'gut feeling' and 'guilt' are often applied in conjunction with a conscience. In this sense, the conscience is not essentially a product of a rational deduction but is something that can be influenced by the indoctrination of one's parentage, social class, religion or culture.

It is an arguable topic whether or not the conscience is the most reliable form of decision making or not. The concept of conscience may not bear any connection with any particular substantial moral view. The good ethical decision and conscience are not always in sync; it depends on the situation, stakeholders and perceiving the issue. For Example, A youth may go for suicide bombing, gun violence, riots or Lynching at the name of cow, considering it to be right as per his radicalized teachings.

The voice of conscience might suggest different principles and different behaviours to different people. For example, while some health practitioners raise "conscientious" objection to abortion and refuse to provide the service, someone's conscience might demand the exact opposite, i.e., to perform abortions to respect what is conscientiously believed to be a woman's right.

Conclusion:

A conscience which is both well-formed (shaped by education and experience) and well informed (aware of facts, evidence and so on) enables us to know ourselves and our world and act accordingly. Voice of conscience is the source of ethical decision making.

Gandhi rightly said, "The human voice can never reach the distance that is covered by the still small voice of conscience."

4. What happens if governance lacks morality? What contradictions arise in such a scenario? Explain.

Introduction:

Morality and Ethics in governance is required for a welfare society. To contribute to a better society in terms of freedom, equality, fraternity and social justice, it is important for the body of governance to inculcate ethics and moral values through society, education, family, friends, etc.

Body:

Lack of morality in governance leads to a disturbed and skewed development of society:

- **No guiding discretion:** Laws leave huge scope of discretion for officers; like, the governor while selecting the CM in case of hung assembly or the speaker while deciding over money bill. The officers need to take decisions based on ethics and propriety. When there is no morality, discretion is misused and hampers the overall welfare administration.
- **Sustainability in governance is reduced:** An administrator, achieving goals set by the institution through unethical means may set a bad precedent for others to follow and this may act as a justification for other unethical acts. Thus, this can hurt the long term interests of the organization either through dwindling credibility or pervading corruption.
- **Efficiency is disturbed:** Probity in an organization brings transparency and accountability. It eliminates corruption and siphoning of funds. However, absence of morality will disrupt this accountability and invariably lead to corruption.
- **Satisfaction of the administrators as well as citizens is hampered:** Proper outcome is not realised if moral values and ethics based governance is absent.

Contradictions that arise when governance lacks morality:

- It would discourage transparency and accountability and lead to decisions based on self-interest in functions of any government authority.
- Absence of compassion, love, empathy towards vulnerable and weaker sections of society and thus ineffective policy implementation and formulation.
- Corruption becomes a rampant problem and slowly becomes the only way to get things done.
- It promotes personal gain and ignores public welfare.
- Promotes lethargy and inefficiency, leading to employees not dedicated to the service.
- Ineffective and improper utilization of resources.
- Citizen charters, Code of conduct and code of ethics which are based on morality and ethics are the tool of any government institution to ensure positive administration. This is absent when governance lacks morality.

Way forward:

- Envisaging threats to ethical standards and integrity in the public sector.

- Foster ethical competence in civil servants along with strengthening professional ethics.
- Development of administrative practices and processes which promote moral values and integrity.
- Enactment of efficient laws which require all public officials to state reasons for all their official decisions.
- Effective complaints and redressal procedures.

Conclusion:

Moral principles that govern a person’s behaviour or the conducting of an activity play a major role in administration as they have to face many conflicts of interests during policy making, decision making and policy implementation. Thus, it must be ensured that governance is based on morality, ethics and a sound emotional intelligence for promoting an efficient growth of society as a whole.

5. Differentiate between the terms ‘legality’ and ‘legitimacy’ of a decision with the help of suitable examples.

Introduction

Legality is the fact that something is allowed by the law. Legitimacy is based on three things. First of all, the people who are asked to obey authority have to feel like they have a voice-that if they speak up, they will be heard. Second, the law has to be predictable. There has to be a reasonable expectation that the rules tomorrow are going to be roughly the same as the rules today. And third, the authority has to be fair. It can't treat one group differently from another

Body

Legality	Legitimacy
-Legality refers to what fits within the law and is compliant with a legal framework.	-Legitimacy involves following a correct, fair, genuine, moral and ethical path. Legitimacy is symbolized by what is achieved with justice, what is deserved, what is inherited.
-"Legality" is a question of action - whether or not something that you're doing is a violation of either statutory or common law.	-"Legitimacy" is a question of origin or support for an action - whether or not an authority figure has "legitimately" taken their role.
-Legal means that it is within the law.	-Legitimate means that it can be justified with logic.
-Example: Same sex marriage is legal in Australia.	-Example: Same sex marriage is not legal in some places, but some people think that they have a legitimate claim for it to become legal.
-Example: British rule in India was legal,	-Example: Khap panchayaths and

but it lacked legitimacy among the natives.	enforcement are not legal but lacks legitimacy.
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There are things that are legal but not legitimate and vice versa:

- While abortion is legal in countries it is not legitimate as it amounts to taking a life.
- While prostitution is legal it is not legitimate considering the moral grounds of selling one's body for money.
- While euthanasia may seem to be legitimate for ending the suffering of a person, it is not legal in many nations.

Conclusion

The legality and legitimacy based administration has gained importance because any violation of law by the administration can be punished by Judiciary and at the same time an administration will find it hard to survive if it is illegitimate.

