

1. How are accountability and ethical governance interrelated? Illustrate with the help of suitable examples.

Introduction

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

Accountability in Governance is ensured through

- Constitution – Democracy, DPSP's, bodies like CAG.
- Checks and balances through judicial review, parliamentary control over executive.
- Legislative – Right to information act (RTI), Prevention of corruption Act (PCA).
- Citizen charters, Social Audits.

It can be contended that accountability is the fundamental requirement for preventing the abuse of power and for ensuring that power is directed towards the achievement of efficiency, effectiveness, responsiveness and transparency.

On the other hand, by ethical governance we mean not just ethical principles in formulating policies but ethical display in behavioral terms by people manning these governing institutions.

Performance consequence reflecting true 'ethical governance' comes neither from those who do it with 'I am sacrificing' attitude nor from those who do with 'I do sacrifice for the world to know' attitude. This is major difference between 'ethical governance' and other forms of 'governance' including activities of CSR and Charities. The regulatory mechanism can only provide a favourable environment for this to happen.

Various measures to ensure accountability bring in ethical governance with display of values like Equality, Dignity, Honesty, Fairness and Compassion.

- Mechanisms like social audit in MGNREGA, Gram sabha involve people in decision making process. This ensures accountability as well as equality principle as decision making is not left in the hands of few people.
- DPSP's are fundamental in the governance of the country. They ensure vulnerable and marginalized are not left out. Law makers with responsibility to ensure socio-economic democracy come out with legislations and affirmative action leading to inclusive society. Ex: Rights of persons with disability Act 2016, Maternity Benefit Act, NSAP.
- Legislative means like RTI, PCA make administrative system transparent and minimize corruption in the system.

- System of checks and balance makes sure there is no concentration of power and each organ accountable for their actions. Thus, governance is carried in the interests of people. Ex: Judiciary through Review power(A-32) strikes down laws which are inconsistent with constitutional values

Conclusion

No doubt, measures to ensure accountability would bring in ethical governance. However, ethical governance remains a utopian idea due to frailty human nature

2. Too much accountability stifles decision making. Do you agree? Critically comment.

Introduction

“Too little accountability creates monsters. Too much blame creates fools.”

Accountability is an assurance that an individual or an organization will be evaluated on their performance or behavior related to something for which they are responsible. It is one of the fundamental civil service values. However, too much accountability causes handicap in decision making.

Body

Too much accountability stifling decision making:

- Civil servants play safe and internal fixation takes place. Rules are followed blindly irrespective of being sensitive to situations. E.g. Denial of ration to a Chattishgarh tribal girl for aadhar mismatch (technical issue) resulting in hunger death.
- As many public administrators has observed, it results in trained incapacity of the officials. E.g. Durga shakti Nagpal is suspended for surprise raid to curb sand mafia in Delhi for intelligent transgression of rules.
- Decisions are made with least risks which results in less favourable business environment. E.g. the callousness caused among banks due to NPA (fear of CBI, CVC and CAG).
- Too much accountability will take away most of the time in answerability. i.e. “an agency that is too accountable may spend so much time responding to legislative demands/oversight, and public inquiries that it is hamstrung.”

However, with too little accountability, people whose behavior is not controllable and who can use their exalted position for self-serving purposes. It might result in creation of situations which gives too much discretion to the decision makers and thus causes corruption.

Further, will little accountability, decisions turn authoritative with little option for grievance redressal. The over powered authority works with impunity. For instance, the main argument against AFSPA is the little accountability it provides for the armed forces.

Conclusion

“Even the intelligent transgression of rules by a well-meaning bureaucrat is punished for not following the protocol and this stifle creative decision making”. Thus, autonomy is as important as accountability and there should be a balance.

3. Are legal means like rules, regulations, advisories etc adequate to ensure ethical governance? Critically examine.

Introduction

Ethical governance denotes administrative measures procedures and policies that fulfil criteria required for the ethically good or acceptable handling of public affairs, such as in public administration, public health care, education, and social security.

Ethical governance thus implies

- Concern for probity, justice, fairness, equality, and integrity on part of public officials
- Prohibition of all forms of corruption and favoritism
- Accountability and responsibility of public administrators towards different entities

Body

Legal means like rules, regulations, advisories etc adequate to ensure ethical governance

- Laws are subset of ethics. Laws are designed in consonance with prevailing ethical practice. For instance - Respecting women is part of Indian ethos. Hence rules for reservation of seats for women in public transport are the natural extension of ethics and lead to ethical governance.
- Legislation like RTI has brought direct accountability of government to the people.
- Policy of e-governance has decreased scope of corruption. For instance - online bidding process, geo tagging of NREGA, online income tax filing etc

Legal means like rules, regulations, advisories etc are NOT adequate to ensure ethical governance

- In absence of values, there will be rampant circumvention of Law

- Recent ban on sell of diesel vehicles above 2000CC in Delhi to curb pollution Mahindra comes with diesel SUVs of 1900 CC, foreign companies followed with the order. However one Indian firm tries to twist the order.
- Circumvention of Model code of conduct.
- Unethical use of Anti-defection law, just to remain in power.
- Using contract labour for regular production job
- Surrogate advertisement
- Use of technology in governance for equality, inclusiveness requires ethics and values in governance. For instance to work on ground to minimise exclusion error in case of Direct Benefit Transfer etc.
- It has been generally accepted that Quid-pro-quo type of corruption is very difficult to identify and curb. All rules and legislation in such cases fail. Only values can ensure ethical governance.
- Spirit of Charity is there in Indian culture since ancient times. Companies that follow ethical principles go beyond legal commitment of Corporate Social Responsibility. However many deliberately fail.

Conclusion

Ethics fills the gap left out by law. It caters to the dynamic nature of the administration. Values fill the gap between policy formulation and ground reality. Ethics helps to provide governance without the authority of government. eg – gender equality. Ethical governance cannot be envisaged without ethics in administration, only on the basis of rules, regulations, advisories etc.

4. Suggest various means that can strengthen ethical and moral values in governance.

Introduction

Ethical and moral values are essence of governance. Various ancient and modern texts has emphasised on ethical and moral values in governance –

- Arthashastra urged the ruler to remain compassionate towards his subject. It says about the king, “In the happiness of his subjects lies his happiness; in their welfare his welfare”.
- “The Republic” of Plato talks about the “Philosopher King”, statecraft and administration based on ethics and morality.
- Indian constitution has made India a ‘welfare state’ with the obligation of safeguarding fundamental rights and liberty of citizens.

Body

Various means that can strengthen ethical and moral values in governance

- To strengthen value based administration, 2nd ARC has recommended foundational values of civil services which include empathy, compassion, tolerance, impartiality, non-partisanship among others.
- Ethical training will help in inculcation of such values. As suggested by Prime Minister recently, senior officials must visit the district of their first posting and observe the changes made thus far. This will inculcate emotion and dedication in bureaucrats.
- Transparency in functioning of political parties will inspire honesty and integrity among politicians.
- Quality service delivery like Sevottam Model
- Identifying ethically vulnerable areas in governance like bidding and contract allotments and using tools like integrity pact.
- Use of technology to create more transparency and to reduce scope of corruption. Eg – online bidding process, geo tagging of NREGA, online income tax filing etc
- Strengthening accountability in governance through RTI, external audit, social audit, citizens charter etc
- Mass awareness to participate in governance process and ask questions to representatives and officials.
- Strengthening framework of corporate governance as per the recent recommendations of SEBI, Uday Kotak committee etc.

Conclusion

“We need a government,” writes Peter Drucker, the father of modern management, “which knows how to govern and does so. Not a government which ‘administers,’ but a government which truly governs”. This cannot be done without ethical and moral values in governance.

5. With the help of suitable examples, discuss the various components of ethical governance.

Introduction

Ethics is grounded in the notion of responsibility and accountability. In democracy, every holder of public office is accountable ultimately to the people. Ethics provides the basis for the creation of such laws and rules. Our legal system emanates from a shared vision of what is good and just which forms the basis of ethical governance in India.

Body

- Ethical governance denotes administrative measures, procedures and policies that fulfill criteria required for the ethically good or acceptable handling of public affairs, such as in public administration, public health care, education, and social security.
- In the context of public administration, ethically good or acceptable behavior is often defined in terms of justice, fairness, equality, and integrity. Thus, ethical governance is a normative expression and not a purely descriptive one.
- The minimalist concept of ethical governance states absolute prohibitions that public authorities and civil servants are forbidden to violate in all circumstances. They include prohibitions of all forms of corruption (e.g., bribery, graft, and nepotism), extortion and coercion, deception, theft, and discrimination.
- The maximal concept of ethical governance additionally invokes positive commands, such as 'Be fair and impartial', 'Safeguard the well-being of citizens', and 'Take good care of the administrative tasks entrusted to you'.
- The trusteeship relationship between the public and the officials requires that the authority entrusted to the officials be exercised in the best interest of the people or in 'public interest'.

Some of the components of ethical governance are :

- **Accountability** - Decision-makers in government, the private sector and civil society organizations should be accountable to the public as well as to institutional stakeholders. This accountability differs depending on the organization and whether the decision is internal or external to an organization. For example, Citizen charter is one of the ways through which ethical governance can be upheld.
- **Transparency** - Transparency in governance basically means people should be able to access public information when they want it. They should be able to know what public officials are doing and how the policies are being implemented. Citizens demand greater transparency from governments and require information on who, why and how of decision making. For example, Right to Information is the foremost tool to maintain transparency.
- **Rule of Law** - The rule of law primarily means that everything must be done according to law. Applied to the powers of government, this requires that every government authority which does some act which would otherwise be a wrong or which infringes on a man's liberty, must be able to justify its action as authorised by Law and in nearly every case this will mean authorised directly or indirectly by legal provisions. For example, following the letter and spirit of law during riot situations.
- **Citizen's Participation** - Citizen's Participation in governance is fundamental to democracy as the ultimate power vests with the people. Interaction is one

important aspect in governance. There are complex ways in which public, private and social organizations interact and learn from one another. It is also the manner in which citizens contribute to the ethical governance system, directly and indirectly through their collective participation in civil, public and corporate institution. For example, Social audit is one of the prime examples of Citizens participation.

The role of civil society institutions in ethical infrastructure of public life is very often compared with the position of the watchdogs on the behavior of public officials. Their effectiveness is determined by the level of public criticism of government tolerated in the particular society and the position of free and independent media as an important factor of exposing corruption and other unethical actions.

Conclusion

Ethical governance is a continuing focus, starting with the administration and extending to all citizens. With transparency and unwavering ethics, people will seek to earn the trust of those they partner with, forge lasting service relationships and strengthen business over the long term.

