

Paper 2

Civil Services:

Constitutional position; Structure, recruitment, training and capacity-building;
Good governance initiatives; Code of conduct and discipline;
Staff associations; Political rights; Grievance redressal mechanism;
Civil service neutrality; Civil service activism

1. How is Code of Ethics different from Code of Conduct? Explain. Is there a need of Code of Ethics for civil servants in India? Examine.

15 marks (250 words)

Approach

The question demands good clarity regarding Code of Conduct and Code of Ethics. In the first part, we differentiate between the two. And in the second part we need to explain how Code of Conduct is not sufficient for civil services, and also how code of ethics is essential. Obviously, it is essential to substantiate our answer with good example and facts.

From Paper 1

We can bring in some of the international best practices here. Also, quotes and key words from paper 1 are however mandatory.

Introduction

While the Code of Conduct rules are aimed towards bringing efficiency and effectiveness in the organisation, the Code of Ethics is concerned with the organization's conscience and morale.

Such and other differences between these two codes have prompted many committees like the Hota committee, Administrative Reforms committee, etc, to recommend the Code of Ethics for civil services in India.

Body

Code of Conduct and Code of Ethics are different in following ways;

- While CoC speaks of consistency, responsibility and dedication to work, CoE speaks of honesty, Integrity, Empathy etc. Thus CoC is related to the work culture and CoE is related to the work ethics. Ex: Values stipulated by Nolan committee-objectivity, honesty, openness, selflessness, integrity, accountability.

- Code of ethics gives just the broad tenets of those values and principles, which are similar to social mores, ethical values and voice of conscience. But, code of conducts is very detailed. Every code specifies the actions, thoughts, and attitudes an individual ought to put forth in various situations.

Ex: Code of Ethics (of Trinidad and Tobago) says a person (to whom the Code refers to) should be honest, sincere, shouldn't have any private interests etc, in his/her official dealings.

But Code of conduct, will be provide in detail, like, to understand the scope of statutory and assigned authority and do not act beyond this scope. And the statutory authority will be defined with utmost precision in the code.

- Usually code of ethics is intangible, i.e. it is difficult to fix the responsibility for the violation of Code of Ethics. For example, we can't punish an official who works for the sake of his salary, than as a service to the nation. However, the Code of Conduct is tangible and a person can be punished for its violation. Ex: Considering a code of conduct like, to ensure that any decision involving conflict of interest is carefully documented. Here, any undocumented decision is amenable to disciplinary actions.
- Further Code of Conduct can be considered as minimum basic requirement and the Code of Ethics as an advanced expectation from an organisation. Ex: Code of Conduct mentions the following 'acts' to be illegal and they attract punishments Viz, secret commissions, inappropriate gifts, acts of slander and libel, nepotism, employee discrimination and harassment, criminal acts, etc. However, Code of Ethics goes beyond the 'acts' of an individual; and it expects to change one's mindset and the intent that prompt these actions Viz, (Code of ethics in UN resolution 58/4 mentions) to maintain a position of objectivity and impartiality, to treat everyone compassionately, etc.
- Lastly, code of Conduct can be said as a negative list, or in other words an individual should comply with it in-order not to be punished. But Code of Ethics is a positive list, i.e. if the members of the organisation comply with it the organisations climbs the highest level of success, and the members rise up to the highest level of perfection.

Further, Code of Ethics is necessary for the civil servants because;

- As rightly said by Hota committee, it is not sufficient for the civil servants to be efficient, effective and fool proof. They should also be whole hearted, dedicative and integrated personalities.
- In this era of Development Administration, administrators should strive towards becoming the best administrators, than satisfying with their compliance to the bare minimum rules.

- Indian bureaucracy should not work just for the sake of salary, but for the sake of self satisfaction contributing to the great job of nation building.
- 2nd ARC also bats for a Code of Ethics for the civil servants. It says that Code of Ethics can impart objectivity, integrity, honesty, dedication to service, empathy etc, among them.
- Lastly, code of conduct is a punitive and retributive, but code of ethics is philosophical and inspirational. The former punishes for the mistakes, but the latter prevents one from committing mistakes. And India needs motivated individuals not just mistake avoiders.

Conclusion

Thus, it is doubtless that, Code of Ethics is essential for civil servants. But it should not be brought to pressurize them, rather to inspire, motivate and actualize them. As said by Shanthanam Committee “values like integrity and empathy for the poor cannot be imbibed, it should be cultivated from within”.

2. There is a need for strong Staff Associations in civil service. Comment in the light of physical assaults on civil servants that are increasing nowadays.

10 marks (150 words)

Approach

Question asks why, the Civil Service Associations have to be more powerful and vociferous. And why, they should be provided with more rights and powers. Again, we need to explain with good facts and examples.

From Paper 1

We can bring in good example from the civil services of other nations of the world. Quotes and keywords from paper 1 are anyway essential.

Introduction

It happened in the National Capital territory of Delhi last year that, the Chief Secretary of Delhi was assaulted by one of the MLAs of the ruling party in Delhi. However, it is disheartening to know that after a few days of condemnation, protests, blockades and other din and furies. Neither was justice ensured to the Chief Secretary, nor was any punishment meted out to the culprit.

Body

It is in this backdrop that the need for a strong Civil Servants association is worth discussing here;

Staff association is very much essential for the Civil Servants because;

- Incidents like political harassment, ridiculing in the public, verbal and physical assaults are increasing day by day (A politician was found hitting an officer with a cricket bat in the public recently).

And the civil servants are unable to stand against them on alone, as their postings, promotions; Annual Confidential Reports and everything is controlled by their political masters.

Also, due to the above reasons, the protection under Article (312), CATs, SATs, and other grievance redressal mechanisms fail to protect Civil Servants.

- Hence, the individual voices often go unheard in such cases of bullying, and the colleagues won't dare to risk 'their' lives by rescuing their office mates. Abhay Kumar a former civil servant mentioned this in his 37 pages resignation letter.
- As mentioned above lack of a collective voice is resulting in many civil servants either quitting the job or taking Voluntary Retirement. Some incumbents also go to the extent of committing suicide. [As per National Crime Record Bureau the suicides of government servants constitute 1.9% of the total suicides in India].

However a collective voice in the form of strong associations can be an anti-dote to these mishaps;

- A strong association can give Civil Servants, a sense of belongingness to share their grievance among their colleagues. [Cheater Bernard- informal Organisations].
- Further, these associations can give the voice, moral strength, and most importantly the legitimacy to fight out such incidents in the court of law. The Civil Service Rules mention the least about protection of upright Civil Servants.
- Also, the very presence of a strong association can instil a sense of deterrence in the minds of those overwhelmed politicians; who treat the civil servants as the baits to gain publicity. Ex: on the lines of Trade Unions and Kisan Sabhas (it is no exaggeration that, forget the politicians, even the government thinks twice before enacting laws for farmers and labourers in India).
- Lastly, there are several staff associations like, the Negotiation Council in Indian Railways, the Whitley councils in UK etc; hence Civil Servants should not consider it as a sin to form such associations.

Conclusion

Hence, a vociferous, formal, united and a responsive Staff Association is very much essential for the safety and security of Civil Servants in India. This, along with the political marauding, can also stop frequent transfers, punishment postings, nepotism, favouritism and other menaces in the Civil Services.

It is heartening to learn that, there are IAS, IPS, IRS and other officers' Associations currently in India. However, providing formal recognition to them; and stipulating their Articles of Association with vision, mission, rights and duties, is where the clock ticks on.

