1. How can civil servants manage ethical dilemmas in their professional and personal lives? Illustrate.

# **Approach**

The candidate needs to elaborate upon the aspect of civil servants managing ethical dilemmas in their professional and personal lives with the help of suitable examples.

#### Introduction

Ethical dilemmas are situations in which there is a choice to be made between two options, neither of which resolves the situation in morally satisfactory manner. It is a circumstance that requires a choice between competing ideologies in a given, usually undesirable or confusing situation.

# Body

- For a public officials who try to function as a professional, the demands of law, his duty, impartiality, due process, provides a productive ground in which ethical concerns arise.
- Ethical standards are not organized, so there are always chances that concerns
  arise and discrepancies always occur about appropriate behaviour. This can be
  both in a professional setup as well as personal relations.

In this regard, Public Servants usually understand ethics to be a 'prescribed' and commonly shared 'Values and Standards' relating to –

- TRUSTWORTHINESS (in the form of) honesty, Integrity, reliability and Loyalty;
- RESPONSIBILITY (in the form of) Accountability, Pursuit of Excellence and Self-Restraint;
- FAIRNESS (in the Form of) Open and unbiased process, impartiality and equity; and
- RESPECT (in the form of) Civility , courtesy, decency, tolerance and compassion;
- Further, the decisions of a civil servant should be guided by following principles
   the provisions of Indian Constitution, democratic accountability of administration, the rule of law and the principle of legality, larger public good, and responsiveness to civil society.

These help in managing the ethical dilemmas of in civil servants professional life and many a times in personal life too. This can be seen from the following points –

• In government offices, major ethical concern is the secret conduct of public business. It is generally recognized that in a democracy, the people have a right to discern the working of the government. Here, proactive use of right to information (RTI) law in disclosing all the public information can be helpful.

- Anticipating specific threats to ethics standards and integrity in the public sector – attention needs to be paid to systemic threats that could weaken adherence to core public sector ethics values, and commitment to good governance.
- Personal self-interest should be secondary to the common good in all situations, especially when such circumstances give rise to conflict of interest.
- The ethical standards of Impartiality and objectivity bring merit into organization. Thereby, increasing predictability, which improves tackling of ethical dilemmas. E.g. e-filing of tax returns, online tenders etc.
- Strengthening the ethical competence of civil servants, and strengthening mechanisms to support "professional ethics" and, ultimately, an 'ethical culture' which supports professional responsibility, self-discipline, and support for the rule of law.
- Adding the component of compassion to day to day works makes a lot of difference while dealing with ethical dilemmas. For instance, collector S.Shankaran IAS addressing the plight of bonded labourers in spite of opposition by political leadership.
- The administration needs to become responsive to the needs and aspirations
  of the public. For instance, creation of a separate public market for road side
  vendors before their evacuation, which would help in avoiding the ethical
  dilemmas involved in such situations.
- Further, adherence to professional ethics can also help in dealing with personal ethical dilemmas where for example, use of official machinery for personal use can be easily avoided by person maintaining highest standards of professional ethics.
- Developing administrative practices and processes which promote ethical values and integrity – new and proposed pro ethics laws require effective implementation through, for example, effective performance management techniques which support the entrenchment of the ethical values set out in Civil Service Codes of Ethics.
- Also, personal ethical dilemmas can be tackled through inculcation of values
  of compassion as well as honing one's moral standards and maintaining
  personal moral compass in times of personal dilemmas. Here, balance in
  personal and professional life helps in avoiding intricate personal ethical
  dilemmas through the able support of one's near and dear one's.

## Conclusion

Successful ethics management generally requires a balanced package that combines elements of compliance as well as integrity-based approaches and their adaptation to the cultural, political and administrative traditions where proper training, code of conduct, emotional intelligence, keeping the public interest above all and adherence to the values of integrity, objectivity, honesty in one's own private life etc. will ensure a just and ethical conduct.

2. Should neutrality always be the preferred strategy for a civil servant? Can neutrality hamper public interests sometimes? Critically comment.

### **Approach**

Candidates are expected to write about neutrality and whether neutrality should be a preferable strategy for civil servant. Also critically comment on how neutrality can hamper public interest sometimes.

#### Introduction

Neutrality is part of foundational value of civil services as mentioned by 2nd ARC and necessary for promoting equality in society. Neutrality means decisions that are not based on basis of bias, prejudice or preferring the benefit to one person over another for improper reasons.

#### **Body**

Neutrality a preferred strategy for a civil servant:

- Neutrality depicts that public officials are not slaves to either the politicians or any other authority other than the moral authority of the Constitution. It shows that the principle of neutrality implies a measure of independence both from the partisan interests of the government of the day and the exogenous agenda that prompts certain social groups to cow others down to humiliating vulnerability.
- Provides professionalism and permanence as opposed to reluctance to change. It assures the public that their current aspirations will be faithfully served by the Government.
- Decisions based on merits and facts lead to an impartial decision making. This
  would ensure efficient use of resources and enhance the transparency in
  public domain.
- If bureaucracy won't be neutral then it cannot lend its whole-hearted support to the existing political system, and to the economic and political system if any radical changes are introduced.
- The direct role of civil servant during a crisis situation enables him with the opportunity to take neutral stance. For example, Shivdeep Lande IPS, who played a critical role in drastically reducing crime rate and illegal practices in Patna, when he was transferred, people protested by organizing candle light rallies. This was due to his neutrality on account of his good work.

Neutrality hampering the larger public interest:

- To maintain 'neutrality', officer may become indifferent to social policies in changing regimes. Inertia and status quo will creep in his work. This imparts a lack of flexibility and can often lead to inefficiency.
- Indira Gandhi and others have lamented that Indian bureaucracy is not 'committed' enough for the social-welfare ideology, they're living in their own ivory towers and aiming only towards 'careerism.'

- In USA, every president brings his own executive team. They don't have to play 'neutral' card. They've had managerial skills, and faithfully implement policies of the president.
- Actions are dictated by cognitive neutral mindset. Civil servant sometimes needs steps outside of those rules or laws to carve out a innovative solution.
   Being Neutral often find themselves facing consequences, such as job termination or even imprisonment. Hampers the out of box thinking which many times benefits public interest.
- A bureaucracy encourages praise because of the way a task is fulfilled instead
  of the quality of the fulfilment. Neutrality keeps morale low because the goals
  of the individual become a higher priority than the goals of the bureaucratic
  structure for public interest.
- A neutrality stresses a mechanical way of doing things. Organisational rules and regulations are given priority over public needs and emotions.
- Bureaucratic neutrality limits the world view creates the narrow and partial scope of dealing the situation. It limits an administrator's pursuit of a holistic and balanced understanding of events, issues and ideas.
- Decision-making in bureaucracy is based on a certain set of rules and regulations on the idea of being the neutral. This rigidity often leads to opting for programmed decisions while newer avenues are not explored. The process of getting work done in such bureaucratic system gets cumbersome for larger public interest.

### **Conclusion**

One way to cultivate the value of a balanced worldview and neutrality in civil servants is exposure to diverse perspectives and a wide range of information and opinions on various issues of national and international discourse. So that civil servant can perform there duty for larger public interest.

3. Are rules and regulations adequate to correctly guide a civil servant to come over ethical dilemmas? Examine.

# **Approach**

Candidate is expected to define ethical dilemma. With the help of some examples guiding principles in dilemma can be stated.

#### Introduction

Ethical dilemma is a complex decision making situation in which all the available options are in conflict, making it difficult for the decision maker to follow any one

course of action in the given situation. Ethical dilemmas largely emerge in situations where conscience of an individual comes into the conflict with the stated rule or norm.

### **Body**

What are the instances of ethical dilemmas?

- Ethical dilemmas arise when they have to choose between competing considerations of ethical values and rules, in order to determine the right thing to do.
- Personal Cost Ethical Dilemmas arises from situations in which compliance with ethical conduct results in a significant personal cost to the decision maker in a difficult situation.
- Right-versus-Right Ethical Dilemmas, arises from situations of two or more conflicting sets of ethical values.
- Ethical dilemmas also arise in the following situation for an individual, When his professional directives are in contrast with his own personal values.
- Working towards the best interest of the community versus being responsive to the government.
- In his desire to hold onto a job versus the professional ethics. It also occurs
  when recognition is conflicted. It arises in an individual when he tries to
  establish a human connection that tilts view of his professional identity, duty,
  and objectivity.
- For a public servant attempting to function as a professional, the demands of law, his duty, fairness, due process, provides a productive ground in which ethical dilemmas arises. Whistle blowers face this problem because their disclosure may institute a crime when the on-going misconduct is severe.
- Examples of ethical dilemma- Dilemma in adopting a deontology and teleology: This would arise when a public servant is unsure to prefer whether the end of the action is important or means adopted. For eg: You as a public servant has been given a responsibility to approve a project to build a dam which would provide irrigation water to lakhs of acres. However such approval could displace thousands of tribes.
- Dilemma between law and conscience: Law and conscience may not always be in congruence. Eg: Until recently Section 377 criminalised homosexuality but you as a public servant believe that homosexuality should be legalised.

## What is the way forward?

- An ethical dilemma is more complex and demanding than a problem of what
  it appears to be. These dilemmas cannot be solved based on its initial status of
  presentation. The decision maker faces a difficult situation in which he faces
  mutually exclusive alternatives that choosing one option means negating the
  other that is equally important.
- Rules and regulations present bureaucratic attitude towards sometimes more human problems. Many times rules are contradictory and alternative is difficult to find. In these instances one has to make choice based on the inner voice.

 More than rules and regulations principles are effective in making a right choice. Principles like accountability, integrity, responsiveness, legality can be the guiding light in the troubling times.

### Conclusion

Rules and regulations are made for the smooth functioning of an organization. But in case of ethical dilemma they might not be able to adequately guide a civil servant. Here we need strong set of principles and patriotic character to look beyond problem, invent more options than available and seek guidance of conscience.

4. Why should the constitution be the first allegiance and source of guidance for a civil servant? Discuss.

### **Approach**

Since the question is asking you to discuss it necessitates a debate where reasoning is backed up with evidence to make a case for it.

#### Introduction

Civil Servants are considered as the back bone of the administration. In order to ensure the progress of the country it is essential to strengthen the administration by protecting civill servants from political and personal influence. So provisions have been included in the Constitution of India to protect the interest of civil servants along with the protection of national security and public interest. Part XIV of the Constitution of India deals with services under The Union and The State. Article 309 empowers the Parliament and the state legislature regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State respectively.

#### Body

The Indian constitution should be the first allegiance and source of guidance for a civil servants due to the following reasons:

- Article 309- Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State.
- Article 310(1) also known as doctrine of pleasure it means a servant holds office during the pleasure of the President/ Governor and he can be dismissed from the service of at the President/ governor pleasure.

- Article 311 puts certain restriction on the absolute power of the President or Governor for Dismissal, removal or reduction in rank of an officer.
- The above discussed articles provide protection and powers to the civil servant along with caution as well hence it's certainly the constitution that should act as the ultimate source of guidance for a civil servants.
- A young person joining the Civil Service has to necessarily take an oath at the Lal Bahadur Shastri National Academy of Administration that he/she shall always uphold the Constitution, and abide by it in discharging official duties.
- Civil servants are duty-bound to truthfully implement the policies and programmes of elected governments, and work under the political executive.
   But bureaucracy is neither designed nor expected to behave as bouncers of the ruling party. So constitution can act as a guide.

#### Conclusion

The Civil Services holds the most prominent place in the progress of the country. A Country's efficiency, democratic value and development widely is adjudged and determined by the Administrative Team and Civil Machinery of that Nation. Hence the constitution be the first allegiance and source of guidance for a civil servant. Beyond the pulls and pressures of political exigencies, civil servants have to constantly ensure that their actions are aligned with Constitutional values. The sense of helplessness at the steady loss of freedom in decision-making that is enveloping the higher civil services is a tragedy with multiplier effects. This freedom has to be redeemed at individual and collective levels.

5. What do you understand by conscience? How does it help in decision making? Explain.

#### Approach:

This question has two parts, students are expected to explain each part equally through use of appropriate examples.

#### 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:**

- Conscience is a faculty of the mind that motivates us to act morally—or at least
  according to our most deeply held values. Conscience is knowledge of
  ourselves, or awareness of moral principles we have committed to, or
  assessment of ourselves or motivation to act that comes from within us (as
  opposed to external impositions).
- Greek and Roman thought emphasized reason and knowledge in making moal decisions, a tradition beginning with Aristotle's ideas about the development of virtuous character and wisdom through reason and practice.
- St. Bonaventure and St. Aquinas wrote of synderesis (a divine spark of moral knowledge) which could only come to mind if it had been cultivated by reason and contemplation to overcome the distortions and corruption of social conditioning.
- John Locke wrote about how a moral conscience might oppose the laws of the state, and Thomas Hobbes insisted that opinions based on conscience could easily be wrong or in contradiction to other people's consciences. So, these and other philosophers also advocated for a 'critical conscience'—and some skepticism about the dictates of conscience in general.
- Conscience is the intrinsic intuitive capacity to discriminate between right and wrong. "Inner Voice" is important especially in democracy as it has various participants such as citizens, NGOs, corporates to be administered by the politicians who are elected by them only. But at an indel, every person has a conscience which assists them in taking important decisions. Thus it can act as a strong tool to evade away the individual self-centered thinking

# Conscience and decision making-

- A human being always comes across ethical dilemmas in the decision making the process. Voice of 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 voice of conscience of an individual helps in analysing the situation from different perspectives and help in taking the right decision. Voice of Conscience is a person's moral compass 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.
- The voice of conscience might suggest different principles and different behaviours to different situations. But it for a moment help individual from not doing wrong based on universal values.
- 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.

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

