



## **ETHICAL PRINCIPLES IN CIVIL SERVICES - A STUDY WITH REFERENCE TO INDIAN SCENARIO**

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### **Abstract:**

*Ethics are a system of moral principles and a branch of philosophy which defines what is good for individuals and society. The term is derived from the Greek word ethos which can mean custom, habit, character or disposition. Human Resource Management is a business function that is concerned with managing relations between groups of people in their capacity as employees, employers and managers. 'All HR practices have an ethical foundation. HR deals with the practical consequences of human behaviour' (Johnson, 2003). Ethics in human resource management are the framework and values that serve as operational guidelines for the management of people at work. HR functions like recruitment, selection, training, development, compensation, appraisal and industrial relation should work on certain code of ethics. Public administration is a part of our daily life and to a large extent governs it. The administrative apparatus consist of people who are also members of the local community (communities). Ethical behaviour and decisions maintaining citizens' trust, ensure effective and efficient use of resources, and allow government to preserve individual rights while assisting those who will benefit the most. Ethics is one of the vital components that allow democracy to thrive in any country. The objective of this paper is to study the relationship between civil servants and ethical principles and how it will impact on the overall performance. At present many incidents are happening related to the unfair practice by the officials and how public suffering from these events. Through the legislation we have Civil Service codes but these measures are not producing results. Finally this paper briefly submits the lack of self-discipline is the main reason for the unethical practices.*

**Index Terms:** Civil Servants, Ethical Principles, Human Resource Management, Civil Service Code & Self-discipline

### **1. Introduction:**

"Karamanyev wadhikarste ma phalesu kadachana" (2.27). Bhagwad Gita Values are the foundations on which our society is built. Values are the invisible wealth of a community and of a nation and guide our journey through the rough and tumble of life. The history of humanity is to a large extent the history of values. They serve as a source of moral precepts that govern the actions of the community.

Public administration is viewed as a part of the executive branch of government. Following Charles de Montesquieu ideas we may recognize executive as an element of the state power and this element consists of agencies, ministries and other structures jointly referred to as „Public Administration“. Civil servants have special obligations because they are responsible for managing resources entrusted to them by the community, because they provide and deliver services to the community and because they take important decisions that affect all aspects of a community's life. The community has a right to expect that the civil service functions fairly, impartially and efficiently. It is essential that the community must be able to trust and have confidence in the integrity of the civil service decision-making process. Within the civil service itself, it needs to be ensured that the decisions and actions of civil servants reflect the policies of the government of the day and the standards that the community expects

from them as government servants. The expectation that the civil service will maintain the same standards of professionalism, responsiveness and impartiality in serving successive political governments is a key element of the way our democratic polity functions.

Ethics are those values which have been imbibed within an individual on reinforced externally that help him to distinguish between right and wrong and to act accordingly. There can be several sources of ethics like religion, organizational culture, legal obligations etc. At present many scandals, corruption allegation is put on the government employees. In every stage of career from beginning till retirement unethical practices are followed. So, this paper focuses on relationship between civil servants and ethical principles.

## **2. Review of Literature:**

Ethics can be defined as “a set of prescriptive rules, principles, values, and virtues of character that inform and guide interpersonal and intrapersonal conduct”. Ethics is a key branch of philosophy, concerned with analyzing what is right or wrong in people’s behavior or conduct. Ethics and morality are terms that are often used interchangeably in discussions of good and evil. Organizations are bound by law to treat the people they employ fairly and not to discriminate against identified groups. Legislation is a codification of accepted moral principles, and acts to moderate standards within a community the greatest good of the greatest number.

- ✓ Economists of the Chicago school (Becker 1964) imply that ethical administration should view human beings entirely as animals who can be subjected to psychological manipulations through the legal systems of rewards and penalties.
- ✓ Practicing managers are ahead of management educators in grasping the essentials of the subject. To go along with this view would perhaps be going too far. But it is good counterpoise to an implicit and somewhat misplaced belief in magical solutions and tools of analyses offered by moral philosophers and teachers of business ethics (Anthony 1995)
- ✓ Human resource management (HRM) plays a decisive role in introducing and implementing ethics (Johns 1995)
- ✓ Ethical violations occur when individuals, organizations, professional and societies fail to deal with basic values like honesty, justice and a clear definition of what is right and wrong( Chakra borty 1996)
- ✓ Winstanley (1996) conclude that management seeks for transparent employees in order to select those offering not only outstanding professional abilities and knowledge but also displaying desired behaviour, attitude, motivation and interest, therefore modern HRM puts a lot of efforts in techniques of evading the autonomy and privacy of employees or even enforcing, attitude and values through change programmes.
- ✓ If we know the consequences of our actions, we can convert values into rules of behavior that can then be described as ethics. To convert this statement into a formula values plus knowledge equals ethics (Sekhar 1997)
- ✓ Legge (1998) states that “the experience of HRM is more likely to be viewed positively if its underlying principles are ethical’. For HRM practitioners, the positive perception of their profession would not only imply an increase acknowledgment of their work, but possibly also an increased tolerance of sometimes unpalatable measures

- ✓ Winstanely and Woodall (2001) described that HRM academics and practitioners should be concerned with ethics and ethical approaches in their own interest, since the success and failure of business may more and more depends on a satisfying response to ethical demands made by internal as well as external customers.
- ✓ All human resources practices have an ethical foundation and human resources deals with the practical consequences of human behaviour (Johnson 2003)
- ✓ Just as consumers' perception of the ethics of a company can affect sales, so the views of its investors will affect its share price. Similarly, the study has been suggested that poor standards of conduct emanating from the top management affect employee motivation and commitment to organisational goals (Schramm 2004)
- ✓ Ronald F. Smedley (2008) concludes that we cannot do business as a culture if trust is lost, values have no meaning, and everything has to be solved through litigation. Good reputations and solid ethical decisions in business create value. However, the "cost of doing business" increases dramatically due to negative opportunistic behavior as productive resources are devoted to defensive purposes. Ethical violations result in new laws and new regulations. Ultimately the result is more constraints, low morale, a decreased attitude of caring, and a loss of a productive workforce.
- ✓ The way an organization embraces values is represented by the ethical behaviors of its leaders (McCarthy 2009).

### **3. Objective of Study:**

The study based on following objectives.

- ✓ To describe the basic relationship between civil servants and ethical standards.
- ✓ To evaluate the ethical issues in governing civil servants.
- ✓ To study the ethical guidelines for Government employees in India.

### **4. History of Ethics:**

From the time civilization took birth on this planet, the man has been debating the right way of living and how they should conduct themselves in society and deal with other human beings, be they are children, relatives, friends or business associates. Various religions have attempted to provide moral code for the human beings. Basically the problem facing man is the conflict between divine and un-divine in him. The stream of mind flows in two different directions, the one leading to virtue the other to vice. To overcome the conflict and integrate the personality is the aim of all religions. For all practical purposes all the religions carry the same message, emphasizing the basic harmony of all religions. All religions propound moral codes not only to carry general obligation and admonition, they also capture a vision of excellence, of what individual and societies should be striving for.

The duty of man according to Manu, the lawgiver for Hinduism is Ahimsa, Satyam, Asteyam, Shaucham, Indriya- nigrahah, Ekam Samiskam Dharmam, Chatur-varne abravit Manuh. Harmlessness, truth, honesty, cleanliness, restrains of the senses from all erring ways, - this is the duty of man in brief.

### **Ethics and Values:**

Organisations are bound by law to treat the people they employ fairly and not to discriminate against identified groups. Legislation is a codification of accepted moral principles, and acts to moderate standards within a community – 'the greatest good of the greatest number'. But, conformity to all legal requirements does not necessarily

ensure the best treatment of employees. The law itself may not be fair; it may not cover all eventualities; and it may not always offer a clear guide to action.

- ✓ In Government sectors whether ethical principles are followed on the following grounds are to be evaluated.
- ✓ In recruitment and selection: ensure that all assessment measures are fair and just.
- ✓ In reward management: ensure fairness in allocation of pay and benefits.
- ✓ In promotion and development: ensure equal opportunities and equal access.
- ✓ Ensure a safe working environment in both for all employees.
- ✓ Ensure that procedures are not unduly stressful, and that the needs of employees' work-life balance are not compromised.
- ✓ When redundancies occur, to be fair and just in handling job losses.
- ✓ In outsourcing and off shoring: ensure that contractors, consultants and franchisees are fair and honest in their dealings with employees, clients and customers.

### **Universal Values:**

A combination of religious and democratic values has resulted in creation of a set of universal values which has been respected by all societies in the world, and guide the behaviour of people, irrespective of religion, race, and colour, social and economic background to which they belong. Some of these cherished values are listed below:

- ✓ Truth,
- ✓ Honesty,
- ✓ Dedication to work,
- ✓ Non Violence
- ✓ Compassion,
- ✓ Courage,
- ✓ Perseverance,
- ✓ Self-discipline,
- ✓ Loyalty,
- ✓ Faith

These values do not change through the march of time and are as valid today as they were hundreds of years ago, when they were originally formulated to guide human behaviour and conduct. These values may therefore be termed Eternal Values as well.

### **Values for Public Servants:**

In order that the public officials perform their duties honestly and efficiently and become an instrument of service to the people they need to possess universal values as mentioned above. They need in particular the following fundamental values:

- ✓ Devotion to Work,
- ✓ A sense of Mission and Focus
- ✓ Integrity and Honesty
- ✓ Fearlessness and Courage
- ✓ Spirit of Service and Sacrifice

### **Devotion to Work:**

Today the work culture in government offices is poor. There is an all -round atmosphere of sloth and inefficiency. Employees come late to office, take extended lunch break, leave early and are indifferent to work assigned to them. The Fifth Pay Commission had following to say , “ Today the government offices is seen as dusty, moth eaten, dingy, paper infested hovel chock-full of bureaucrats, which is feudal in outlook, hierarchical in structure, antediluvian in its procedures, dilatory in examination of

issues and secretive in its dealings with customers. Despite, being one of the largest providers of services, there is complete lack of customer orientation in various government departments.” We should change the existing work culture in public services and inculcate the philosophy of nishkam-karma propounded by our scriptures. Bhagwad Gita expounds the concept of Karamanyev wadhikarste ma phalesu kadachana (2.27).

**Sense of Mission:**

Work should not be done simply for the sake of doing work. There should be clear focus and direction in what one is doing, otherwise it will not be productive and yield results. Ramakrishna Paramhansa said, if you are digging a well, dig deep till you strike water, if you give up after a while and go to a new place and then to another, you will never get water. Today most corporates have a mission and vision statements. This gives clarity about the task to be performed and goals to be fulfilled. The trouble with government is that it spreads its resources too wide and thin, without each department of the government having clarity about its objectives. It was a clear sense of mission that was responsible for the success of our space programme, or operation flood which revolutionized milk production in the country.

**Integrity and Honesty:**

Public servants hold their office in trust, which underlies two principles; they shall not use public office for private gain, and they shall act impartially and not give preferential treatment to any private organization or individual. Today corruption has become a widespread phenomenon among public officials as they unabashedly use their position and power to enrich themselves personally.

Public officials should also avoid conflict of interest situations. While a conflict of interest is not ipso facto corruption, there is increasing recognition that conflicts between the private interests and public duties, if not adequately managed, can result in corruption. While rules and laws have been framed for severe punishment, if officials are caught in corruption, they do not act as effective deterrence as rules give so many escape clauses. Only when public servants inculcate the noble values of integrity and honesty, a dent in massive corruption problem facing the country can be made.

**Fearlessness and Courage:**

The Shah Commission which investigated the ‘excesses’ committed during Emergency (1975-77), found that public servants committed irregular and illegal acts, which caused immense suffering to the masses out of fear of their political masters. The Commission observed, ‘they crawled while they were asked to bend’. During the Nuremberg trial the top German army commanders told the War Crime Tribunal that they committed atrocities against the Jews out of fear of Nazi top brass. It is often seen that many public officials though honest themselves, succumb to unjust demand of political masters or their own official superiors, out of fear that their CR will be spoiled or they will be transferred to an inconvenient place, or their promotion will be jeopardized

**Spirit of Service and Sacrifice:**

Spirit of service and sacrifice is an essential ingredient of public services and public officials should feel inspired that that they are working for a national cause. Today it is a common complaint that salary level in top civil services are very low as compared to private sector. While persons in civil services need to be given decent salary, their salary and emoluments can never match with their compeers in the private sector. Young men who join the army and are prepared to lay down their life in the event of war or are posted in the harsh and treacherous weather conditions of Siachin

glacier and brave the hardship as they are inspired by a noble mission that they are serving the country. No amount of monetary incentive can compensate for the sacrifice and hardship they undergo.

### **5. The Indian Scenario:**

Every country has certain legal framework with provisions to cover various unethical and corrupt practices such as the breach of official trust and duties, abuse of power, misappropriation, and extortion, corrupt practices, acceptance of undue advantage and abuse of officials influence. The key problem is, therefore, not corruption, but weak enforcement. Without effective enforcement mechanisms, legal and administrative provisions on ethics and corruption are in themselves ineffective. Weak enforcement capacity may be blamed partly on the fact that several documents, which makes access to them difficult, especially where enforcement officers lack experience.

While the Central Government has issued conduct rules for government employees known as Central Civil Services (Conduct) Rules 1964, it does not lay down values which civil services should follow or a code of ethics. The rules are more in the nature of “do’s” and “don’t”. The Conduct Rules cover matters such as property transactions, acceptance of gifts, joining of non-political organization and host of other issues covering almost every activity which a normal individual undertakes. The rules are highly restrictive, seriously curtailing freedom of operation of a government employee, couched in vague language and sometimes impractical to follow.

#### **First Initiative for Code of Ethics- May 1997:**

The Department of Administrative Reforms of Government of India had prepared a Code of Ethics for public services, as part of an Action Plan for an Effective and Responsive Government which was presented in a conference of Chief Ministers presided by the Prime Minister held in May 1997. The objective of the Code was to prescribe standards of integrity and conduct that are to apply to public services. The salient features of the code are as follows:

- ✓ The public services should assist the government in formulating and implementing policies and administering public services in the most effective way.
- ✓ Employees in public services should uphold the rule of law and respect for human rights, and act solely in public interest. They must maintain the highest standards of probity and integrity.
- ✓ They should conduct themselves in such manner that the public feels that the decisions taken or recommendations made by them are objective and transparent and are not calculated to promote improper gains for the political party in power, for themselves, or for any third party.
- ✓ They should not seek to frustrate or undermine the policies, decisions and action taken in public interest by Government by declining or abstaining from action.
- ✓ Where an employee in public service has reasonable grounds to believe that he or she is being required by superior authority to act in a manner which is illegal or against prescribed rules and regulations, he should decline to implement the instructions. He will have right to bring the fact to the notice of superior authority.
- ✓ Conflict of Interest: Employees in public service should refrain from decisions; i) which are calculated to benefit any particular person or party at the expense of the public interest; ii) shall disclose any clash of interest when there is conflict between public interest and private interest.

- ✓ They should maintain their independence and dignity and impartiality by not approaching politicians and outsiders in respect of service matters or private benefits, and exercise peer pressure to dissuade those within their own cadre who do so and to set in motion disciplinary proceedings against such persons.
- ✓ Accountability to Citizens: i) Employees in public services should be accessible to the people and practice accountability to them in terms of quality of service, timeliness, courtesy, people orientation, and readiness to encourage participation and form partnership with citizen groups for responsive government. ii) They should be consistent, equitable and honest in their treatment of the members of the public, iii) they should accept obligation to recognize and enforce citizen's right for speedy redressal of their grievance.
- ✓ They should have concern for public assets and funds, avoid wastage and extravagance and ensure effective and efficient use of public money within their control.
- ✓ Non- abuse of official position: Employees in public services have a responsibility to take decisions on merits, as they are in a position of trust, they must not use their official position to influence any person to enter into financial or other arrangements with them or anyone else.

The code also deals with issues such as: public comment, release of official information, integrative role of public services and continuous improvement through professionalism and team work. The principles laid down in the code were laudable. Unfortunately they were not issued as a Code of Ethics for public servants.

#### **Second Initiative for Public Service Values - Public Service Bill 2006:**

In 2006 the department Of Personnel drafted a Public Service Bill which enumerated fundamental values of Public Services, a Code of Ethics, a Management Code etc. with the object of developing public services as a professional, politically neutral, merit based and accountable civil service. The main values by which the Public Servants shall be guided are as follows:

- ✓ Allegiance to the Constitution and the law, democracy, nationalism, sovereignty, Integrity of India and the security of the nation;
- ✓ Function in apolitical manner;
- ✓ Act objectively, impartially, honestly, equitably, and in a fair and just manner;
- ✓ Act with integrity and in a courteous and just manner;
- ✓ Establish high standards, and ensure quality service, effective working and prompt decision making;
- ✓ Be accountable for the decisions;
- ✓ Establish merit as the fundamental principle in employment, promotion and placements;
- ✓ Discharge functions with due regard to diversity of the nation/community and religion but without discrimination of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections;
- ✓ Provide honest, impartial and frank advice to political executive;
- ✓ Ensure that public money is used with utmost economy and care;

The Public Service Bill has not made any headway and seems to have gone in cold storage. One problem with the draft bill was that it intended to fulfil too many objectives. Apart from values and ethics, the Bill envisaged to lay down principles of management of public services, principles which should govern appointment to public services, performance indicators for public services etc. With such wide ranging and

diverse coverage of matters relating to service matters, it is difficult to reach consensus and secure legislative approval.

The PM of India Sri. Narendra Modi has issued a revised code of conduct for bureaucrats that require them to be politically neutral, honest, and impartial and maintain high ethical standards. The amended rules state that every member of the All India Services, which includes the IAS and IPS, shall be courteous and responsive to the public, particularly the weaker sections, and ensure accountability and transparency in discharge of his duties.

The Centre, based on consultations with the state governments, issued the All India Services (Conduct) Amendment Rules, 2014, stating, among other things, that every member of the service shall take decisions solely based on merit and in public interest and use public resources efficiently, effectively and economically. The new commandments prevent a bureaucrat from misusing his position to take decisions that seek to derive financial or material benefit for himself, his family or friends. "Every member of the service shall make choices, take decisions and make recommendations on merit alone," say the rules. Another rule cautions civil servants against placing themselves under any financial or other obligations to any individual or organisation which may influence the performance of their official duties. Importantly, bureaucrats will now be required to declare any private interests relating to their public duties and take steps to resolve any conflicts in a way that protects the public interest. Stressing on the need for confidentiality in key government matters, the rules make civil servants liable to maintain confidentiality in performance of their duties as required by the laws, particularly where the information or disclosure may prejudicially affect the security of the State, strategic, scientific or economic interests of the State, friendly relations with foreign countries or lead to incitement of an offence or illegal or unlawful gains to any person.

Other amendments require bureaucrats to perform their duties with a high degree of professionalism; uphold supremacy of the Constitution; uphold sovereignty and integrity of India, the security of the State, public order, decency and morality; maintain integrity in public service; act with fairness and impartiality and not discriminate against anyone, particularly the poor and under-privileged sections; and maintain discipline in discharge of duties and be liable to implement lawful orders duly communicated to them.

## **6. Managerial Implications:**

Public Services constitute an essential part of democratic framework for implementing government's policy. It is necessary that they are honest, efficient and citizen friendly. The non-elected public servants exercise significant discretionary power in their everyday work: in their stewardship of public resources, at the interface with citizens, and in the context of policy making. Ethical standards are a key check and balance against arbitrary use of that public power. As such they are a key factor in the quality of governance. Without some "ethics barometer" it is difficult, if not impossible, to measure changes in levels of corruption or misconduct in the public service. The following suggestions are made:

- ✓ There is needed to lay down a statutory Code of Ethics for Civil Services. It should be couched in simple language; easily understandable and lay down fundamental values which should govern the conduct of public servants. The British Civil Services Code can act as a model.
- ✓ Violation and breaches of Code of Ethics should invite sanction and punishment under the disciplinary rules.

- ✓ The ethical framework should provide for prevention and guidance, investigation, disciplinary action and prosecution.
- ✓ Ethical Guidance should include training in ethics awareness and development of essential skill for ethical analysis and moral judgment.
- ✓ There is need to create an independent office of Ethics Commissioner, on the US pattern who should provide leadership in ethics and values. The Ethics Commissioner should issue and interpret rules which govern standards of conduct and conflict of interest.

A Code of Ethics will help giving a public servant a vision, a purpose and an ideal to strive for while carrying on his public duties. This helps manifesting his full potential and led a fulfilling, satisfying and happy life which is the goal of every human endeavor.

#### **7. Conclusion:**

This study has explored the Managing the HR function in Public administration. Our conclusion is that HR is in a continuous cycle of change and evolution. As Rose-Ackerman has pointed out “if public sector pay is very low, corruption tends to be a survival strategy”. Public service conditions, particularly human resource policies, directly influence conduct. The conditions may be more or less conducive to ethical behaviour by public servants. There is clear evidence that the HR role is becoming increasingly strategic, but this role is not replacing traditional HR roles, rather, it is being grafted on, adding to the diversity, challenge and complexity of HR in the public sector. The Government employees are the assets of the nation and they play very vital role in the transforming our country. They should not indulge in unethical practice in their career. The political neutrality is the need of the hour in governing government employees. So high ethical standard is to be set by the Government for regulating the employees and ensure managing the human resources under ethical umbrella is possible.

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