

Institutionalizing Ethics in Indian Administration:
Towards a Conceptual Framework

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Abstract :-

Administration is power, and as such should be imbued with ethical considerations, failing which it is bound to become oppressive and thus counter-productive. A high sense of ethics among public officials is vital necessity. Just like the judicial system, it must not only exist among public servants in India, but must also be seen to permeate their decision-making. Unfortunately, the spate of scams that have tumbled out into the public domain in recent times draws our attention to the fact that something is amiss in our process of governance which is giving rise to rampant corruption in almost all walks of life especially our administrative system. Relevance of ethics in public service in India has not been given due weight age. To appreciate and understand the issue of corruption control in administration, it is very important to delve deep into the issue of ethical administration. This article seeks to delve deep into the issue of how best we can institutionalize ethics in administration and use it to rid India from the menace of corruption in public service. The article is essentially an analytical research based on secondary data analysis where the data is primarily qualitative in nature.

Keywords:-Corruption, Moral Internal Assessment, Organizational Culture, ethics training.

Corruption has been a persistent and dominant feature of the India bureaucracy since time immemorial. The State, even in ancient times, was conscious of the fact that state officials were corrupt. In fact Kautilya, the noted political thinker of ancient India had observed in his celebrated work Arthashastra –“Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the king’s revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money (for themselves).” This problem of corruption continues to haunt our administrative system even today. As a result, various types of anti-corruption strategies have been designed to mitigate this problem. The British Government was the first to take concrete steps in controlling corruption within administration in modern India.

giving or bribe taking. Despite such elaborate anti-corruption machinery corruption continues to grow unabated in Indian administration. According to the Transparency International, Survey on Corruptio

The British India Government had set up Special Police Establishment (SPE) through an executive order in 1941, with mandate to investigate cases of bribery and corruption. Subsequently, in 1946 Delhi Special Police Establishment Act, 1946 (DSPE Act) was brought into existence. The Central Bureau of Investigation(CBI) continues to derive its powers to investigate from DSPE Act, 1946. Again, in 1947, The Prevention of Corruption Act came into existence which was amended in 1988 to make extend its jurisdiction and make the anti-corruption provisions more stringent. The amended Act, of 1988 has made the penal provisions more stringent and given wide connotation to the term “Public Servant”. The term “Public Servant” has been defined under section 21 of the Indian penal code and includes any person falling under any one of the twelve categories. Apart from this, there is an elaborate system of Conduct Rules for both the state and central government employees to bring home to them the fact that their first obligation is to renders service to, and not merely to exercise authority over the public. In 1964 in pursuance of the recommendations of the Santhanam Committee the Central Vigilance Commission (CVC) created as an apex body for exercising general superintendence and control over vigilance administration in India. Its counterpart was also created by the state governments at the state level known as the State Vigilance Commission’s. Apart from this almost every state government have their own Lokayuktas to deal with cases of corruption within administration. Again, the Lokpal and Lokayuktas Act, 2013, created the institution of Lokpal (Ombudsman). The Lokpal consisting of a bench of eight members along with the Chairperson would have mandate to enquire into issues of corruption which involves even the Prime Minister, Union Ministers, Members of Parliament (except for the matters relating to Article 105), class A,B,C and D officials, any person who is or has been in-charge (director / manager/ secretary) of anybody / society set up by central act or any other body financed / controlled by central government, any other person involved in act of abetting This eternal good hold good in case of public service also. It is undoubtedly the primary responsibilit

Perception Index of 2017, India ranks 81 out of 180 countries with a score of 40 out of 100, where 0 stands for highly corrupt and 100 is very clean. India which had ranked 79 in the Corruption Perception Index of

2016 has gone down by two notches in 2017 and is below the global average score of 43. In order to understand why there has been a steep rise in corruption level in Indian administrative system, corruption study experts have come up with several common working hypotheses. One important cause giving rise to corruption within administration is the salary of the civil servants. The lower the official salary of public servants; the higher is the likelihood of corruption. Secondly, complex rules and procedures often give rise to corruption in administration through red-tape. In a complex working system the government officials often take undue advantage of elaborate rules and regulations to unnecessarily delay the process of decision-making, thereby inducing the public to pay illegal speed money for expediting the pending matters. Complex working procedure also tends to create opacity in administration. This in turn encourages corruption in the system. In the third place, the higher the degree of checks and balances, the lower is the expected level of corruption. Apparently, in such cases chances of detection being much more, corruption tends to be much less. Most importantly, the higher the strength and efficiency of anti-corruption agencies, the lower is the possibility of corruption. However, all these causes of corruption exhibit fragmented picture. In India public servants are reasonably well paid especially at the higher levels. Their salary is revised periodically every ten years on the recommendations of the pay commission reports. In addition various allowances are sanctioned to the salary in keeping with the market situation and price rise like dearness allowance. Moreover, there is clearly defined conduct rules to regulate the conduct of the public servants. The anti-corruption laws like The Prevention of Corruption Act, 1988 applicable to public servants are very elaborate and stringent. The government departments have installed a system of internal audit and an elaborate system of supervision at various levels in the government offices. Introduction of Information Technology has made supervision and anti-corruption vigilance even more thorough. We have a host of anticorruption institutions like the Central Bureau of Investigation and the Central Vigilance Commission which act as effective machineries for meaningful enforcement of anti-corruption rules and laws. However in spite of all these elaborate arrangements one cannot deny that there is an increase in the incidence of corruption in Indian administration as is reflected in the Annual Reports of Transparency International. The obvious question that arises is – in spite of so many checks and balances why cannot corruption be eliminated completely from administration? In this context it is extremely important to highlight the observations made by The National Institute of Law Enforcement and Criminal Justice of USA in 1978. It

observed –“Corruption has three main components that are controllable and one that is not. The three controllable ones are opportunity, incentive and risk: the uncontrollable one is personal honesty. Many public servants over a long period of time have had the freely available opportunity to be corrupt, a large incentive to do so, and little risk of being found out if they did, but have refused because “it wouldn’t be honest”. Thus in this context the concept of administrative ethics assume a lot of importance. Before dwelling on the necessity of building an ethical code of conduct for public officials, it is necessary for us to understand the meaning of the term ‘ethics’. The word ethics has its etymological origin in the Greek term “ethikos” meaning arising out of habit. It is defined as science of morals in human conduct, moral philosophy, rules of conduct and so on. Raziel Abelson, in his essay ‘Encyclopedia of Philosophy’ has stated three different interpretations of the term ethics. Firstly, it means a general pattern or ‘way of life’, secondly it means a set of rules of conduct or moral code and lastly, an inquiry about ways of life and rules of conduct. Here however we are immediately concerned with “administrative ethics”. “Public Service Ethics” as Mark W. Huddleston and Joseph C. Sandes define, “are primarily a matter of rectitude: an ethical public servant is an honest public servant, someone who does not abuse his or her office by seeking private gain at public expense.”

The power of the public officials in the modern times has greatly increased due to the welfare nature of the state. Subsequently, the scope of the use of administrative discretion has increased manifold giving rise to the timeless problem of corruption in administration. In this context, ethics in administration becomes a very significant issue. “The problem of ethical conduct for public officials”, as Professor Stall has put it, “arises from virtue of the power and influence that he commands and the commitment he undertakes of loyal and disinterested service to the public.” As far as corruption control through ethics building is concerned what is really required in any organization is ‘self-regulation’. Dawn Oliver had aptly observed in this regard that –“Self regulation can be more effective device for controlling activity than externally imposed regulations.” Unfortunately, the concept of self-regulation through ethics building as a means of fighting corruption is not popular amongst the policy makers and bureaucrats in India. While in the United States, ethics building is a regular feature both in the corporate and government sectors, it has never assumed so much of attention in India. In a country like India where elaborate service conduct rules for public servants are available along with stringent penal laws against corruption, moral codes are considered to be redundant. It is worthwhile to mention here that the terms of reference of the Santhanam

Committee made a passing reference to “special measures that may be necessary to secure honesty and integrity...” In the report however there is no worthwhile discussion on ethics building in administration. The First Administrative Reforms Commission setup in January 1966 professed to consider “the highest standards of efficiency and integrity in the public services.” However, in its terms of reference, there was not even an oblique reference to role of administrative ethics. The overwhelming emphasis was on achieving ‘Socialistic pattern of society’. As far as the Second Administrative Reforms Commission is concerned the primary emphasis is however on the ‘Code of Conduct’ of the politicians. The question of ethics in administration has therefore, not gained much importance in the scheme of things and it continues to enjoy fairly low priority in Indian administration. Hence, there is an urgent need for discussing the issue of ethics building in administration as an alternative strategy for corruption control in India.

Ethics in administration is the vital precondition for formulation of good public policies and thus, is fundamental to the success of good governance in India. Unfortunately, the concept of ethics is often confused with morality, religious precepts and character. Morality deals with the principles of right and wrong conduct. Character traits such as honesty, integrity and compassion are moral qualities individuals develop based on their understanding of principles of right conduct. Ethics is more concerned with standards of conduct acceptable to a group a profession or members of an organization. At best this has some apparent similarity with spirituality but not religion.

To appreciate and understand the true nature of public service, it is very important to consciously establish a meta ethics that guides the internal quest of public organizations for virtue which in turn provides that essential general orientation to action. In this context it is worthwhile to note the observations made by O.P. Dwivedi: - “The profession of public service has no parallel among other professions (excepting the priesthood) in the sense that society expects public servants to act with unwavering integrity, absolute impartiality and complete devotion both to the public interest and to the state.” The obvious inference which emerges from the above observation is that ‘public service’ is a calling based on the moral obligation to serve the public interest. Many, who join the public service, do so out of an intense desire to serve the community. Thus, spirituality is an implicit yet unexplored foundation for the motive to engage in public service. Unfortunately, with the aggressive incursion of rationality and utilitarian principles, administration has become impersonal and in the process ethical connotation of “public good” has receded into oblivion.

Thus spiritual attitude of the individuals in administration is very vital for the organization they serve. To quote David Hudson -“Spirituality is evidenced as key component in the motivating force that inspires commitment to public service rather than abject careerism.” Even Swami Ranganathananda, the erstwhile President of the Ramkrishna Mission, also echoed the same tune. “It is the public spirit which immediately rescues a person from the limitations of his tiny little individuality....as soon as I become a part of the Indian administration, I cease to be a mere individual..... On me depends the happiness and welfare of millions of the Indian people. I must rise to the occasion.” Thus spiritual motivation of public servants whether by Vedantic teachings or by modern administrative jargons, is the sine qua non of any effective administration.

The next question which comes to our mind is how do we institutionalize ethics in administration? Every organization is supposed to develop its own ethics for the guidance of its members and also as a broad frame of reference of policy decisions. This has been aptly put forward by Ronald R. Sims who defines it as institutionalized action. Institutionalized Actions are defined as “a behavior that is performed by two or more individuals, persists over time, and exists as a part of the daily functioning of the organization.” Ethical principles can be institutionalized in an organization in various ways. The first and foremost task is to develop its organizational culture which will support and supplement the value system.

Organizational culture is not the numerical sum total of the culture of the individuals. It in fact transcends the sum total of the culture of the individuals and exists as a social glue to hold the entire organization. Thus it promotes organizational cohesion and creates a commonly shared value in tune with the ethical principles of the organization. Organizational culture in fact acts as a unique controlling mechanism that helps to shape and guide the attitude and behavior of the members. This it does through the process of organizational socialization. According to Ronald R. Sims- “Organizational socialization is of utmost importance for organizational effectiveness. Once an individual becomes a member of an organization ethical values of an organization are inculcated and process of socialization begins. Organizational socialization is the process of conveying the organizations goals, norms and preferred ways of doing things to the new employee. Socialization moulds the new employee to fit the organization and serves as a key step in the institutionalization of ethics.” Thus the first task of the policy makers it to build an ethical organizational culture.

The next question which naturally arises is – how do we build an ethical organizational culture? Ethical organizational culture can be built through three different ways. The first task is to formulate a code of ethics which will outline and include the organizational values and purpose along with the ethical values of the individuals working in the organization and the larger societal values. In any organizations there are two goals- one is the goal of the organization itself and the other one is personal goal of the individual members. To be effective and efficient, there must be total congruity of these two goals. If the individual goal is incongruous with the organizational goal, the organization suffers in many ways. There is yet another larger and more sublime goal that is the societal goal. In the ultimate analysis, the individual and organizational goals must also confirm to the societal goals. As Prof. Dwivedi put it “public servants are the mirror of societal conscience, prevailing morals and ethical standards.” This is known as the ONENESS ethical paradigm as explicated by thinkers like Bailey, Adelman and Appleby.

Reference may be made to the Code of Ethics of the American Society of Public Administration

(ASPA), professional association adopted its original Code in 1984 and subsequently revised them in 1994. Some of the major headings of the Code are given below:

- a) Serve the Public Interest;
- b) Respect the Constitution and the Law;
- c) Demonstrate personal integrity;
- d) Promote ethical Organizations;
- e) Strive for professional excellence;
- f) Subordinate institutional loyalties to the public good.

The Society actively helps its members to solve their problems and guide them to moral conundrums. In England a Code of Conduct was drafted by the Standards and Privileges Committee in 1996 (for the British MPs) incorporating the seven principles of the Nolan Committee.

The second task to build an ethical administration is to setup a formal committee under an able leader to monitor the ethical behavior of the members of the organization. Ethical norms are inculcated not merely by talking about it or by circulating printed code of ethics. Organizational ethics has to be practiced day in and day out and that too, quite openly, so that all the individual members and the society at large come to know about it. Here again the organizational leadership plays a very critical role. Success of building an ethical organizational culture ultimately depends on strong moral leadership. In any organization ethical values and practices filter down from the top to bottom. Employees look to their leaders for direction, support, examples of appropriate ethical behavior and inspiration. It is worthwhile to quote the Bhagavad Gita: “Whatever a leader does, common men generally follow. And whatever standards that person

sets by his deeds, the society pursues.” This eternal good hold good in case of public service also. It is undoubtedly the primary responsibility of the top leadership to encourage, promote and sustain organizational ethics.

Finally, the third and the most direct method of institutionalization is by way of repeated ethics training of the employees followed by Moral Internal Assessment (MIA) of the organization.

Ethics training has become quite a popular practice in the Corporate Sector all over the United States. Some of the common tested methods are as follows:-

- a) Consider personality characteristics of the people applying to the organization for employment. There are innumerable psychological tests by which the ethical traits of an individual can be verified.
- b) Organize formal ethical training and orientation courses
- c) Draw up a Code of Ethics clearly describing the organizational values
- d) Setup a monitoring committee to see ethical standards are followed
- e) Promote ethical organizational culture by rewarding ethical behavior and penalizing unethical conduct.
- f) Enforce ethical values within organization.

But the greatest impediment to ethics building in administration is the issue of ‘moral muteness’. It implies avoidance of public discussion of administrative issues in ethical terms. A vast majority of public servants regard “Moral Talks” as dysfunctional and disruptive because it requires a degree of interpersonal confrontation sometimes to the extreme of whistle blowing. Moreover, moral talks obstruct or distract the managers from real problem solving in administration. Though moral muteness is beneficial for short-term gains, it involves long term costs for administration. The persistent avoidance of moral talk reinforces the organizational culture as normatively amoral. Moreover stonewalling and dismissing such moral issues might ultimately destroy the two important pillars of administration that is accountability and transparency. Thus Moral Internal Assessment (MIA) helps an organization present a uniquely ‘safe’ place from which to begin ‘moral conversation’. MIA is not a moral audit but rather an internal assessment focusing on how to improve the use of virtue ethics to enhance ethics and moral behavior within the organization.

In the ultimate analysis, one should not forget the fact that corruption is a matter of personal choice which ultimately arises from the level of the individual working in the government organization. Strict implementation of anti-corruption laws and monitoring through vigilance institutions like Lokpal, CVC and CBI cannot prevent the tides of corruption from rising within Indian administration. Government of India has time and again created new anti-corruption vigilance institutions and

anti-corruption laws to reform the administration and make it more transparent. Unfortunately, in this endeavor, it has completely sidetracked the issues of 'spiritual administration' which is very essential ingredient for building up a corruption free administration in India. For this to happen there should be a change in the mind-set of both the policy-makers and public servants. They should realize that civil service is a calling and not a career. This change can only be ushered in through 'ethics training'. Ethics training is the most important weapon in the hands of Government of India in its fight against corruption in administration. Unfortunately the important role of ethics training in containing corruption in administration has not been highlighted in India. From the very inception the newly recruited civil servants should undergo rigorous ethics training which would help them to comprehend the real nature of their duties and responsibilities towards the citizens of this country. What is required is a harmonious balance between strong and effective anti-corruption laws and institutions along with a moral gyroscope to ensure safety and steadiness of the administrative machinery. Enforcement machinery without ethical moorings is like a ship without radar and ethical codes without strong machinery is useless. During the last six decades after independence, one is constrained to remark that this vital area of administrative ethics was totally ignored. It is however gratifying to note that the Second Administrative Reforms Commission had seriously considered the question of administrative ethics for the civil servants in its report on 'Ethics in Administration'. To conclude, one must remember the observations made by the Second Administrative Reforms Commission which aptly observed that - "the norms of right conduct cannot be enforced through a rigid mindless enforcement of laws and rules. It is all a question of striking the right balance."

Reference :-

Dr.Shamasasthy R.,Kautilya's Arthasastra, Mysore Printing and Publishing House, Mysore, 1960,p 70.
Chakraborty, Shiladitya, Public Service Reforms in India: A Fight against Corruption, Towards Freedom Publishers, Kolkata, 2013, pp82-83.
Corruption Perception Index 2017, Berlin, Germany, Transparency International, 21st February, 2018
Zimmerman Joseph F., Ethics in Public Service, State and Local Government Review, Volume 14, No.3, Carl Vinson Institute, University of Georgia, 1982, p98.
Jain, R.B., Political and Bureaucratic Corruption in India: Methodology of Promoting Ethical Behaviour among Administrators, Singh, M.P.& Mishra, S.N. (Edt.) , Ethics, Probity and Accountability in Public Service, Indian Institute of Public Administration, New Delhi, 2018,

Huddleston Mark W.and Sands Joseph C., Enforcing Administrative Ethics, The Annals of the American Academy, American Academy of Political and Social Science, Vol 537, Jan 1995, p141. Jain, R.B., Political and Bureaucratic Corruption in India: Methodology of Promoting Ethical Behaviour among Administrators, Singh, M.P.& Mishra, S.N. (Edt.) , Ethics, Probity and Accountability in Public Service, Indian Institute of Public Administration, New Delhi, 2018, p95.

Oliver Dawn, Regulating the Conduct of the British MPs-The British Experience of Combating Corruption, Political Corruption, Edt. Paul Heywood, New York, Blackwell Publishers, 1997,p123. Government of India, Report on the Prevention of Corruption (Santhanam Committee), Ministry of Home Affairs, New Delhi, 1964,Para ix , p2

Houston David J and Cartwright Katherine E, Spirituality and Public Service, Public Administration Review, January/February 2007, Vol 67, N01, p99.

Swami Ranganathananda, The challenge of Freedom: Public Accountability as Duty,Edt. Raj K. Nigam, Public Accountability in Indian Polity, New Delhi, Bookwell Publication, 1998, p8.

Sims R. Ronald, The Institutionalization of Organizational Ethics, Journal of Buisness Ethics, Vol 10,No. 7, Netherlands, Kluwer Academic Publishers, July 1991, p493.