

CHAPTER I

INTRODUCTION

What necessitated this study

The goal of this study is to show the need of inculcating ethical codes in the members of the administration, which will help in the avoidance of negative phenomena such as theft, corruption, etc. In this direction, the debates about fostering ethical codes are becoming more and more a global tendency, as it is increasingly thought that promoting ethical values would go a long way to get rid of the current crisis. The maintenance of moral standards and norms in the conduct of public affairs in a democratic country tends to become a major problem for the people because of different labels of Government and the involvement of a large number of public functionaries in Government. It is their perceptions of the presence of venality in public life, lack of integrity in Government, and what is wrong and what is right in politics, which determine their faith in a democratic system. The ethical values that permeate the elected representatives, the executive, the legislative, and judicial wings of the constitutional system have a deep and lasting impact on the character, direction, dependence, credibility, and future of the system of representative Governments.

The potential damage and threat to the political fabric of a system are not dependent on the character of the Government, i.e., whether it is an activist or limited in scope. History shows that neither a capitalist nor a socialist nor a welfare state is immune to the corrosive evil of corruption. The standards of conduct and behaviour of people in political authority have a malignant influence on other walks of life in society. The ethical dimension of how influential and powerful people conduct themselves in private life and in the public domain set

a precedence for the lesser human being and groups in society to follow or to see the justification for their own self-seeking or even scandalous conduct. These pernicious attitudes encompass all segments of society. It is not only public systems that are under attack. The people harbour grievances against trade, industry, business, academia, and other professional groups and organizations. The evil within and outside the Government circle is, thus, not limited to any narrow confines. Similarly, the influence of ethical conduct in positive terms is also not contained or concerned with only some specific sections and select groups but is relevant to the entirety of society and its wider network of relationships. The moral basis for the unity and stability of society demands that ethical restraints must operate not only in respect of individuals but also in organized groups—be they industrial, labour unions, political parties, military, civil services, judiciary, and so on.

The all-pervading and interlocking nature of ethics in public life are to be comprehended in all its manifestations and dimensions. This is borne out by history in different climes and ages and also by the progress of civilization today.

This problem is a continuing one and, therefore, a matter of continuing debate. It acquires a sharp edge and intensity in special circumstances and at particular times. There is a widespread feeling that the present context all over the world; more so in our country, is such that the many facets of ethics in public life merit scrutiny. The scandals and cases of corruption, kickbacks, bribery, extortions, lying, and deception by governments all over the world, in both developed and developing countries at different times, are too many and too well-known to need any enumeration.

It is important to bear in mind that ethical standards may transcend the narrow stipulations of law or rule book and code of

regulations. Many acts of omission or commission may not violate the law as such but may run counter to the norms of propriety, fairness, intellectual integrity, accountability, and societal expectations.

When the Government and the administration abdicate their responsibility and are insensitive to their duties, there is no alternative but to approach the judiciary, the custodian of liberties and rights. At a time when the judiciary is also under stress the situation worsens. Judicial activism cannot be the substitute for an effective political system and efficient administration. The need for organization, activation, articulation, and assertion of public opinion and enlightened citizenship is the life breath of any vibrant democratic system. Public apathy leads to moral decay. Public vigilance and public awareness of its role and responsibilities provide a safeguard to the sustenance of ethical conduct in public affairs. Politics is an important part, an integral part, but only a part of the whole pattern of life.

There is a danger that the country will fall into a serious economic crisis due to corruption. Some corrupt people are responsible for this. If we cannot protect the country's economy from them, it can be said for sure that all of us will face a serious disaster. Conventional laws of the country to fight corruption, no religious discipline to change character, speeches of leaders, and advice are not working anymore. It doesn't seem to come to fruition. If the entire system can be changed by enacting strict laws following the constitution, the highest law of the country, it may work. Over the past half a century, corruption in this country has been entrenched from the backward villages to the capital thanks to the grace of politicians and lax governance. We have reached such a stage in the total character of corruption that humanity, fear of religion, conventional laws of the country, words of religious leaders, and the education system are of no

use. People's fear of the law has been completely erased by the welfare of politicians. Even a school-educated child in the village has understood that even if he does not study, but enters politics after growing up, if he becomes an MP or at least a member of a union or a municipality, or if he goes to the shelter of a political leader, he will be locked up for the rest of his life. Because that child is seeing in front of his eyes, the semi-educated or uneducated person who used to roam the streets a few days ago, under the shelter of politics, he is today a respected and established person in the rich, wealthy society. In the eyes of the child, that person is the ideal person.

Bribery reigns in most government offices, from the highest officials to every table. No work is done without bribery. There are allegations that some officers collect bribe money by sending their subordinates. If this is where the situation is, then the moot question is why do subordinates accept their corrupt officers? In offices, we come across some common excuses. For example, with lots of work at hand, it will take time to find the register. These incidents have been depicted amply in many motion pictures. One such Bengali film is *Śatābdir Galpo*. However, if you grease the palm, the work is done immediately. The police bet on his life and catch the miscreant in the night. But before he reaches the police station, the political leader calls the police station to release the miscreant because the man is close to him and belongs to the party. If the police officer is honest and strict and does not accept the threat of the leader, he has to face the wrath of the political leader. The police have now realized, what is the need to accept the risk in this situation. Rather, it is wise to release the criminal before reaching the police station. So, there is almost no room for redress today.

A doctor is a respectful person to the patient. But when the patient goes to that doctor for treatment, some doctor first prescribes

various tests for a certain diagnostic centre before giving a prescription for a fee. Otherwise, the test will not be correct. The underlying reason is the cordial relationship between the diagnostic center and the doctors. The patient was suffering from severe abdominal pain, however, taking advantage of the naivety and ignorance of the patient, the patient was asked for an X-ray/sonography of the abdomen, chest, neck, and various blood tests. It is also heard that, in some cases, items that do not require testing are marked with a dot next to them. That is, it is identified that they do not need any tests. It is heard that the commission ratio of some doctors and diagnostic centers is 70:30 percent. Even the small traders of common fish and vegetables in the market have understood that there is no way to survive if they don't get involved with corruption. Today we are almost reaching the lowest ebb of corrupt practices. Where is the way out of this? The public today is bewildered by the octopus of corruption.

Giving a rich background on the incidence of political corruption in administration (covering its features, forms, causes, and impact), the present venture proposes to discuss: the political context of public morality and the factors which impede its operation; the need for ethics in administration; and components of ethical conduct of administrators. Faith of people in the ethical behaviour of public officials will greatly help to instil faith in the governmental machinery which is at present looked at with considerable scepticism and disbelief. Ethical behaviour is partially a matter of civilization legacy, family resemblance, and fallout of personal philosophy. It is also a social imperative if society is to have an equilibrium conducive to social cohesiveness and good life. Ethical conduct or ethics in public life has wider and positive dimensions and implications as well as possibilities.

The word 'ethics' is derived from the Greek word '*ethos*' which means the way of living. Ethics is a branch of philosophy that is concerned with human conduct. It consists of a code of conduct for human beings living in a society. Ethics examines the rational justification for our moral judgments; it studies what is morally right or wrong, just or unjust. Together, they combine to define how individuals choose to interact with one another. It is a set of standards that society places on itself and that help guide behaviour, choices, and actions.

Ethics refers to well-founded standards of right and wrong that prescribe what humans ought to do usually in terms of rights, obligations, benefits to society, fairness, or specific virtues. It also imposes reasonable obligations to refrain from doing certain wrong things. Ethical standards also include the virtues of honesty, compassion and loyalty. Chester Barnard has described ethical conduct or moral behaviour as "governed by beliefs or feelings of what is right or wrong regardless of self-interest or immediate consequences of a decision to do or not to do specific things under particular conditions". The definition of social ethics embraces a set of norms, assessments, and opinions, which are characteristic of a group of people. Ethics are standards of conduct. These standards can be applied to personal behaviour. Ethics distinguish between the right and wrong ways of directing behaviour in our personal and professional life.

Ethics and morals are intimately related. Moral standards are expressed in terms of values as a framework that should be endorsed and followed. Ethics provides us with specific norms that should guide one's conduct in a concrete interactive situation. As governance involves several stakeholders who have to interact with each other and the government in the process of governance there is a need for a

framework of norms or rules (codified norms) that guide the interaction. There are two major theoretical orientations regarding ethics: The universalistic theory of ethics and the consequentialist theories of ethics. The former has been articulated by Immanuel Kant. Several scholars contributed to consequentialist theories. The central postulate of the consequentialist theory is that each individual has to assess the consequences of his/her action for the other(s). Consequences have to be seen in terms of potential harm (for life, livelihood), the dignity of the person, fairness, and autonomy. In today's context, we also have to include consequences for the environment.

Ethics in administration denotes the professional code of morality in civil service. They constitute the moral character of civil servants. They regulate the conduct and behaviour of different categories of civil servants. It also provides a "rule of the game". The code of ethics consists of traditions, precedents, and standards which have to be kept up by civil servants. Civil servants are expected to set up high moral standards not only for themselves but for the community at large, particularly, in the context of the growing importance of administration and its impact on society.

We may establish a definition of "administrative ethics" using the words: norms, legal regulations, assessments of public administration officials, and public service. Public service ethics are a prerequisite to, and underpinning public trust, and are a keystone of good governance. Public service is a public trust. Citizens expect public servants to serve the public interest with fairness and to manage public resources properly.

Democratic values such as equality, law, justice, rights, and freedom have moral connotations and require a strong commitment from civil servants. Civil servants are duty-bound to uphold these

values. There is an urgent need to acknowledge the moral basis of governance. Civil servants must serve the public. This should be their prime concern and override all other concerns.

Ethical Governance as a neutral concept never existed. At every stage in human civilization ethical questions haunted the rulers/state agencies. However, there appears to be a broad consensus as to what constitutes ethical governance which became part of governance apparatus like rule of law, equality, corruption-free governance, etc.

All modern governments suffer from persistent preoccupation with procedures and functional rationality to the exclusion of ethical values and standards. Ethical concerns and dilemmas in governance can be taken care of through appropriate laws, rules, regulations, and conscience as a source of ethical guidance. Responsive and clean administration depends on adherence by the employees in public service to ethical standards and the basic principles of the constitution, such as rule of law. The solution to the problems of probity in governance lies in curbing the menace of corruption and increasing information sharing and transparency in government.

Objectives of the study

The modern world has seen an increase in interest in the areas related to the ethics of the sovereign good. Several studies have focused on this subject matter and several academicians have exposed many ethical and philosophical dilemmas related to the concept of ethics in public administration. Despite the increasing number of studies that have focused on the importance of administrative ethics, there has been very little effort spent on identifying what exactly constitutes the crux of ethics in administration. The objective of this study is to examine the implications of the basic principles of ethics

for administration in the Indian context which formed the base of ancient Indian Administration and discuss their impact on different administration imperatives which in turn act as the determinants of ethics in administration in current times. This study will also focus on the importance of ethics in eliminating corruption concerning the push and pull of ethics and administration and how mindsets and basic approaches to administration and governance can be changed.

This thesis tries to focus on the importance of ethical codes or values in administration. It examines the ethical values that every administrator should have and behave accordingly. Some such principles are being honest, having integrity, responsible, efficient, transparent, and being accountable to provide the common good for the citizens. For various reasons, some of which we have stated before, we are constantly reminded of the importance of ethics in administration. Regrettably, ethics in administration is sometimes lacking which contributes to unethical behaviour and government officials violating the regulations. This study tries to present the position on the code of ethics and ethical principles for administrators.

Review of literature

In the wake of several cases of nepotism, corporate bribery, corruption, illicit operations, and unhealthy nexus between politics, administrations, and business coming to public notice, the U.S. Senate set up a subcommittee, which submitted its report commonly known as Report on Ethical Standards in Government. This attracted attention all over the world and the various nuances of ethics in Government were discussed, researched, and commented upon in various forums. Professional journals have devoted considerable attention to the issues of morality in politics and public life.

Ashok S. Chousalkar in his book *Revisiting the Political Thought of Ancient India: Pre-Kautilya Arthaśāstra Tradition* published in 2018 by Sage, Publications India Pvt Ltd., analyses the formation and function of statecraft in ancient India—early *Arthaśāstra* and Pre-Kautilyan traditions. It seeks, through a historical perspective, to show how the *Arthaśāstra* provided a progressive alternative to society. Further, the book focuses on the concepts like The Royal Priests and the Black Magic of the Atharva Veda, The Origin of State and Early Political Speculation in Ancient India, The Origin of *Arthaśāstra* Tradition, The *Lokayata* Philosophy and the Early *Arthaśāstra* Tradition, The *Arthaśāstra* Teachers, Political Thought of Early *Arthaśāstra* thinkers, *āpaddharma*, Ethics and Politics in the *Arthaśāstra* Tradition and primacy of Politics.

Vrajendra Raj Mehata's *Foundations of Indian Political Thought* published in 2009 by Manohar Publisher, covers almost all the outstanding thinkers on politics in India and is perhaps the first book that provides an overview of the Indian political thought from Manu to the present day. The book is an introduction to the complex subject of the evolution of Indian political thought in terms of its continuities as well as discontinuities and attempts to articulate, explain and examine the concept of state in politics used by an ongoing tradition of inquiry.

R. V. Joshi in his article "Lokayata in Ancient India and China" written in 1988 and available in *Annals of Bhandarkar Oriental Research Institute*, discusses the materialistic philosophy of India. He examines the view of life that he termed 'Lokayata'. He tried to project a genealogy between Ancient India and China.

The Sukranīti, Trans, by Prof. Benoy Kumar Sarkar and published by Oriental Books Reprint Corporation, New Delhi in 1975 fulfills the long-felt need of scholars interested in the subject. The

book is divided into five chapters of which the first three deal with the duties of the princes, the functions of the crown prince and other state officials, and general rules of morality. The fourth chapter, divided into seven sections, discusses the characteristics of friends, treasure, arts and sciences, social customs and institutions, the king's functions, fortresses, and the army. The last chapter spells out the rules of morality laid down in the *śāstras* for the welfare of the State and the people. The book occupies an important position in Indian literature, primarily as a work of secular nature, providing much information on the positive background and foundations of Hindu culture and sociology.

Research questions

The moot questions that the proposed study would seek to answer are:

1. What was the base of the Ancient Indian Administrative system, and the concept of statecraft? Was there any ethical issue?
2. Was *Rājdharmā* the model of good governance?
3. Are legislative privileges meant for effective and honest public service or self-aggrandizement?
4. What kind of interest do they take in policy-making and law-making which is of prime importance?
5. Do they become surrogates for some vested powerful interest or do they function conscientiously in the honest discharge of their duties?
6. What is corruption, what are the different types of corruption, and how is corruption understood at the administrative level?
7. Why do we need ethics and values in administration?

We then propose to take up for discussion the methodologies of promoting ethical behaviour among administrators through devising a code of ethics.

Methodology

This work attempts to apply ethics to the field of administration. Philosophy, when analyzed for its social nature, has the potential of shaping the foundation of social nature and forming a more rational outcome. However, much has been said about the ethics of public administration, this work joins the discussion by analyzing several philosophical arguments concerning the ethics of public administration. This work restricts its scope to the application of the standard normative theories which have been advocated by a selected number of philosophers whom this work holds in esteem. This research was carried out with the philosophical method of textual analysis. The study seeks to interpret and analyze those texts and concepts that deal with the ethical codes, and corruption of Administration from ancient to the present day. The thesis attempts a close textual reading of the literature produced with an overreaching historical perspective. Thus, the methodological approach outlined above is most appropriate to the work undertaken in this thesis.

Brief outline of chapters

The researcher for the betterment of analysis divided the thesis into six chapters.

The First chapter, "Introduction" concentrates on the main arguments, justification, and scope of this thesis. This chapter highlights the context of the study, objectives, research questions, review of literature, and methodology of the study. The chapter ends with structuring the remaining chapters of this research study.

The Second Chapter entitled “Insights from the Indian Tradition and Praxis: *Arthaśāstra* Tradition and the *Nītiśāstra* Tradition” begins with a description of Kautilya’s *Arthaśāstra* regarding statecraft. Kautilya points out that the state comprises seven organs—*Swamī* (king), *Amātya* (bureaucrats), *Janapada* (territory), *Durga* (fort), *Koṣa* (treasure), *Danda* (coercive authority), and *Mitra* (ally). To rule a state, it is necessary to function all organs properly and in a balanced way. The king is the most important organ. He points out that only a powerful ruler can bring order to society by following *Danḍanīti*. Like the Italian diplomat Machiavelli, Kautilya regards the king as the supreme power and he can do anything to rule over the state. After analyzing Kautilya's concepts, the chapter further tries to examine Somdeva Suri's view on the ethical code for statecraft. Next, the chapter tries to concentrate on ethical codes in *Kāmandakiya Nītisāra*. *Kāmandakiya Nītisāra* focuses on the duty of a king. The king has to have control over his desire for *Trivarga*. The chapter concludes by analyzing Śukrāchārya and Tiruvalluvar’s ideas about ethical codes and statecraft.

The Third Chapter entitled “*Rājdharmā*: A Coinage for Good Governance in Ancient India” examines the king’s duties and rules of governance. It focuses on the concept of *Rājdharmā* projected in the *Śānti Parva* in the *Mahābhārata* where Bhisma advises Yudhisthira about the notion of *Dharma*, the role and duties of the ruler to his people. Next, the chapter concentrate on Manu's idea of *Rājdharmā* as propagated in *Manusmṛiti*. After analysing Manu's concept of *Rājdharmā*, the chapter then highlights Kautilya's emphasis given to the duties of the king in maintaining law in order in society that he wrote in *Arthaśāstra*, the chapter concludes by describing the relevance of *Rājdharmā* in the present context of good governance.

The Fourth Chapter entitled “Administrative Corruption: Causes and Remedies” begins with a brief note on the concept of Administration.

Next, the chapter discusses the form of public administration during the ancient period, the medieval period, the British period, and the post-independent period. The chapter then tries to examine corruption in present-day public administration. Further, it analyses the suggestions of the Santhanam Committee formed in 1962 to fight against corruption. They observed that the virtue of integrity must begin from the top level and slowly it should permeate the ground level. If it can be done in the long run corruption can be eliminated. Then the Santhanam Committee faces a pertinent problem of how to and where to get this integrity. Therefore, they thought that integrity should be taught in the Universities as they are the main of suppliers of officers for public administration. The chapter slightly takes a departure from its earlier discussion and focuses on the issue of corruption and the need for ethics and morality in fighting corruption at the administrative level.

The Fifth Chapter entitled “Ethical Codes: The Reinforcement of Morality in Administration” focuses on the importance of ethical values in administration and the different approaches by which the administrator imbibes the ethical values. But before going into the detailed analysis, the chapter examines the concept of power which tends to corrupt people, especially administrators. The discussion then moves on to describe the three forms of power - threat power, economic power, and integrative power. The chapter then concentrates on sociologist Pitirim A. Sorokin’s ideas about power and different dimensions of altruistic love. The study further analyses the former Secretary-General of the United Nations, Dag Hammarskjold’s views. Then the chapter seeks to focus on the writings and practices of Sri Aurobindo, Rabindranath Tagore, Mahatma Gandhi, Subhas Chandra Bose, Dr. Sarvepalli Radhkrishnan, and so on regarding the positive use of power and altruistic love. The second section of the chapter tries to concentrate on the notion of integrity as proposed by the Santhanam Committee in the earlier chapter. The chapter ends with the discussion

that integrity and morality go hand in hand. A man of integrity on account of his commitment can act in such a way that we ordinarily do not consider moral.

The Sixth Chapter called “Conclusion” tries to explain the importance of Ethical values in Administration, especially in the present-day scenario. It also attempts to summarize the focused issues discussed in the earlier chapters. Further, it points out some of the research findings of the study. The discussion ends with providing research limitations and the scope for further research in this area.
