16.1 Ethics is a set of principles of right conduct. It has been defined as a set of values and principles which helps guide behaviour, choice and actions. It helps to decide whether one’s actions are right or wrong. Organizations as well as individuals have ethical standards. These standards help ensure that individuals belonging to an organization have a consistent approach in carrying out their responsibilities and making decisions. They also ensure that members of an organization maintain a consistent and appropriate behaviour towards one another and towards clients and persons outside the organization.

16.2 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.

16.3 In a democracy, an efficient civil service must have a set of values that distinguishes it from other professions. Integrity, dedication to public service, impartiality, political neutrality, anonymity etc. are said to be the hallmarks of an efficient civil service. In some countries, these values have been embodied in laws – e.g. in Australia - and in some countries these are enshrined in the respective Constitutions. Article 153 of the Polish Constitution states: 517

“(1) A corps of civil servants shall operate in the organs of government administration in order to ensure a professional, diligent, impartial and politically neutral discharge of the State’s obligations.

(2) The Prime Minister shall be the superior of such corps of civil servants.”

16.4 Most countries that have reformed their civil services such as New Zealand, Australia and the UK have established a set of principles to guide civil service behaviour in the form of values and a legally enforceable code of conduct, setting out standards of behaviour expected of those working in the civil services. In the UK, following the recommendations of the Nolan Committee on standards in public service, the Civil Service Code was incorporated into a law that came into force on 1st January 1996. The Code is a clear and concise statement of standards of behaviour that the civil servants must follow, and is a part of the civil servant’s terms and conditions of employment. In addition to describing the integrity and loyalty required of civil servants, the Code prohibits deceiving Parliament or the public, misuse of official positions, and unauthorized disclosure of confidential information.

The Code provides a right of appeal to independent Civil Service Commissioners on matters of propriety and conscience, if the problem cannot be resolved within the department in question.

16.5 In New Zealand, the reforms have led to the enactment of the State Services Act with focus on ethics and public service ethos. This was primarily because civil service reforms in New Zealand created a system in which loyalty of the civil servant was to his/her department or agency rather than to the public service as a whole. So, it was necessary to raise the awareness about ethics, and public service values and ethos. The State Services Commission took the lead in raising such awareness and issued the Code of Conduct for civil servants. A Standards and Ethics Board was also set up.

16.6 In Australia, reforms in this respect have been the most comprehensive. Section 10 of the Public Service Act, 1999 contains a declaration of fifteen values, which affirm that the Australian Public Service:
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Box 16.1: Civil Service Values in the United Kingdom

1. The Civil Service is an integral and key part of the Government of the United Kingdom. It supports the Government of the day in developing and implementing its policies, and in delivering public services. Civil servants are accountable to Ministers, who in turn are accountable to Parliament.

2. As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:

- ‘integrity’ is putting the obligations of public service above your own personal interests;
- ‘honesty’ is being truthful and open;
- ‘objectivity’ is basing your advice and decisions on rigorous analysis of the evidence; and
- ‘impartiality’ is acting solely according to the merits of the case and serving equally well Governments of different political persuasions.

3. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, Parliament, the public and its customers.


The Code provides a right of appeal to independent Civil Service Commissioners on matters of propriety and conscience, if the problem cannot be resolved within the department in question.

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16.6 In Australia, reforms in this respect have been the most comprehensive. Section 10 of the Public Service Act, 1999 contains a declaration of fifteen values, which affirm that the Australian Public Service:
• is apolitical, performing its functions in an impartial and professional manner
• is openly accountable for its actions, within the framework of Ministerial responsibility to the Government, the Parliament, and the Australian public
• is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government’s policies and programs
• delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public
• provides a reasonable opportunity to all eligible members of the community to apply for APS employment
• is a public service in which employment decisions are based on merit
• provides a workplace that is free from discrimination and recognizes and utilizes the diversity of the Australian community it serves
• establishes workplace relations that value communication, consultation, cooperation and input from employees on matters that affect their workplace
• provides a fair, flexible, safe and rewarding workplace
• focuses on achieving results and managing performance
• promotes equity in employment
• provides a fair system of review of decisions taken in respect of APS employees
• has the highest ethical standards
• has leadership of the highest quality
• is a career-based service to enhance the effectiveness and cohesion of Australia’s democratic system of government.

16.7 Section 13 of Australia’s Public Service Act lays down the code of conduct for Australia’s civil service. The code of conduct requires that an employee must:

• behave honestly and with integrity in the course of APS employment
• act with care and diligence in the course of APS employment
• when acting in the course of APS employment, treat everyone with respect and courtesy, and without harassment
• when acting in the course of APS employment, comply with all applicable Australian laws
• comply with any lawful and reasonable direction given by someone in the employee’s agency who has authority to give the direction
• maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister’s member of staff
• disclose, and take reasonable steps to avoid any conflict of interest (real or apparent) in connection with APS employment
• use Commonwealth resources in a proper manner
• not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee’s APS employment
• not make improper use of (a)inside information and (b)the employee’s duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the employee or any other person
• at all times, behave in a way that upholds the APS values and the integrity and good reputation of the APS
• while on duty overseas, at all times, behave in a way that upholds the good reputation of Australia
• except in the course of his/her or her duties as an APS employee or with the Agency Head’s express authority, not give or disclose, directly or indirectly, any information about public business or anything of which the employee has official knowledge.

16.8 In India, the current set of ethical norms are the Conduct Rules, contained in the Central Services (Conduct) Rules, 1964 and analogous rules applicable to members of the All India Services or employees of various State Governments. The code of behaviour as enunciated in the Conduct Rules, while containing some general norms like ‘maintaining integrity and absolute devotion to duty’ and not indulging in ‘conduct unbecoming of a government servant’ is generally directed towards cataloguing specific activities deemed undesirable for government servants. These conduct rules do not constitute a code of ethics.
Refurbishing of Personnel Administration – Scaling New Heights

• is apolitical, performing its functions in an impartial and professional manner
• is openly accountable for its actions, within the framework of Ministerial responsibility to the Government, the Parliament, and the Australian public
• is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government’s policies and programs
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• provides a reasonable opportunity to all eligible members of the community to apply for APS employment
• is a public service in which employment decisions are based on merit
• provides a workplace that is free from discrimination and recognizes and utilizes the diversity of the Australian community it serves
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Civil Services Code

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• use Commonwealth resources in a proper manner
• not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee’s APS employment
• not make improper use of (a)inside information and (b)the employee’s duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the employee or any other person
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16.9 The Draft Public Services Bill, 2007 proposes the necessary first step towards evolving a code of ethics. It states in Chapter III,

6. Values of Public Service: The Public Service and the Public Servants shall be guided by the following values in the discharge of their functions:

(1) patriotism and upholding national pride
(2) allegiance to the Constitution and the law of the nation
(3) objectivity, impartiality, honesty, diligence, courtesy and transparency
(4) maintain absolute integrity

7. Without prejudice to the provisions of this Act, the Central Government may, on the recommendations of or in consultation with the Central Authority, notify from time to time other values in this Section.

8. Review of Public Service Values: The Central Authority may from time to time review the adoption, adherence to and implementation of the Public Service Values in the departments or organizations under the Central Government and send reports to the Central Government.

9. Public Services Code:

(1) The Government shall promote the Public Service Values and a standard of ethics in the Public Service operations, requiring and facilitating every Public Service employee:

i. to discharge official duties with competence and accountability, care and diligence; responsibility, honesty, objectivity and impartiality; without discrimination and in accordance with law

ii. to ensure effective management, professional growth and leadership development

iii. to avoid misuse of official position or information and using the public moneys with utmost care and autonomy

iv. function with the objective that Public Services and Public Servants are to serve as instruments of good governance and to provide services for the betterment of the public at large; foster socio-economic development, with due regard to the diversity of the nation but without discrimination on the ground of caste, community, religion, gender or class and duly protecting the interest of poor, underprivileged and weaker sections.

(2) The Government shall, in consultation with the Central Authority, prepare a Public Services Code of Ethics for guiding the Public Service employees within one year from the commencement of this Act.

16.10 In India, civil service values have evolved over years of tradition. These values also find place in various rules, including the Code of Conduct. The current set of ‘enforceable norms’ are ‘Conduct Rules’, typified by the Central Civil Services (Conduct) Rules - 1964 and analogous rules applicable to members of the All India Services or employees of various State Governments. As mentioned earlier, the code of behaviour as enunciated in the Conduct Rules, while containing some general norms like ‘maintaining integrity and absolute devotion to duty’ and not indulging in ‘conduct unbecoming of a government servant’, are generally directed towards cataloguing specific activities deemed undesirable for government servants. There is no Code of Ethics prescribed for civil servants in India although such Codes exist in other countries. A comprehensive Civil Service Code can be conceptualized at three levels. At the apex level, there should be a clear and concise statement of the values and ethical standards that a civil servant should imbibe. These values should reflect public expectations from a civil servant with reference to political impartiality, maintenance of highest ethical standards and accountability for actions. At the second level, the broad principles which should govern the behaviour of a civil servant may be outlined. This would constitute the Code of Ethics. At the third level, there should be a specific Code of Conduct stipulating in a precise and unambiguous manner, a list of acceptable and unacceptable behaviour and actions. The Commission feels that the values and the Code of Ethics should be given a statutory backing by including them in the proposed Civil Services Bill.

16.11 The Commission is of the view that in addition to commitment to the Constitution these values should include:

a. Adherence to the highest standards of probity, integrity and conduct
b. Impartiality and non-partisanship
c. Objectivity
d. Commitment to the citizens’ concerns and public good
e. Empathy for the vulnerable and weaker sections of society.
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16.13 The Commission has studied the issue of ethics in public life in other countries and in its Report on “Ethics in Governance”, it has highlighted the seven principles of public life enunciated by the Nolan Committee in UK. Drawing from these, the Commission would suggest the inclusion of the following principles in the Code of Ethics for civil servants in India:

- **Integrity:** Civil servants, should be guided solely by public interest in their official decision making and not by any financial or other consideration either in respect of themselves, their families or their friends.
- **Impartiality:** Civil servants in carrying out their official work, including functions like procurement, recruitment, delivery of services etc, should take decisions based on merit alone.
- **Commitment to public service:** Civil servants should deliver services in a fair, effective, impartial and courteous manner.
- **Open accountability:** Civil servants are accountable for their decisions and actions and should be willing to subject themselves to appropriate scrutiny for this purpose.
- **Devotion to duty:** Civil servants maintain absolute and unstinting devotion towards their duties and responsibilities at all times.
- **Exemplary behaviour:** Civil servants shall treat all members of the public with respect and courtesy and, at all times, should behave in a manner that upholds the rich traditions of the civil services.

16.14 At the third level are a set of specific guidelines regulating the conduct of civil servants. As mentioned in Paragraph 16.10, the present Conduct Rules regulate the behaviour of civil servants. Although these constitute a very comprehensive and wide ranging set of guidelines, they suffer from many shortcomings and anomalies. To illustrate:

1. **No Class I officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependant, to accept employment in any [company or firm] with which he has official dealings or in any other [company or firm] having official dealings with the Government.**

Since there may be no company or firm in India that does not have any dealing with the Government, all firms and companies are automatically covered by such a sweeping rule which is likely therefore to be observed more in breach than in reality and which in any case, may not necessarily involve any type of conflict of interest. Moreover, even if permission is taken in advance, if the acceptance of employment really involves any element of nepotism or conflict of interest, such permission cannot absolve the civil servant from any disciplinary or criminal liability.

2. **Where a Government servant enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds twenty thousand rupees in the case of a Government servant holding any Class I or Class II post or fifteen thousand rupees in the case of Government servant holding any Class III or Class IV post, provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealings with him.**

16.15 Considering the rate of inflation in the country, rising living standards and rising income levels, the financial ceilings prescribed above mean that even for buying day-to-day consumer appliances, intimation of the transaction to Government becomes necessary. This restriction again is therefore observed more in breach than in reality. Even if such intimation is given, it is unlikely that the Government can maintain or process the records of such transactions. It also amounts in any case to duplication of efforts since an annual statement of movable and immovable properties is to be submitted by Government servants.

3. **No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.**

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1 118 Rule 4(2) of the Central Services (Conduct) Rules, 1964

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- **Commitment to public service**: Civil servants should deliver services in a fair, effective, impartial and courteous manner.

- **Open accountability**: Civil servants are accountable for their decisions and actions and should be willing to subject themselves to appropriate scrutiny for this purpose.

- **Devotion to duty**: Civil servants maintain absolute and unstinting devotion towards their duties and responsibilities at all times.

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3. No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family.

*Rule 4(2) of the Central Services (Conduct) Rules, 1964*
This Rule is again so sweeping in its coverage that even inheritance of ancestral family property would require prior intimation. It also amounts to duplication since an annual property return is supposed to reflect all the transactions.

(4) A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings to the Government.

This appears to be a meaningless provision which is unlikely to be enforced nor does it have any direct linkage with the official work of the civil servant.

16.16 Therefore, in the light of the above, the Conduct Rules need to be completely redrawn based on the values and code of ethics as suggested in the preceding paragraphs. The proposed Central Civil Services Authority may be consulted while drawing up the Conduct Rules and for interpreting any ‘grey areas’ that may emerge in enforcing these Conduct Rules. The recommendations regarding the ‘Civil Services Values’ and the ‘Code of Ethics’ would have to be incorporated in the proposed Civil Services Bill.

16.17 Recommendations

a. ‘Civil Services Values’ and the ‘Code of Ethics’ should be incorporated in the proposed Civil Services Bill.

b. Conduct Rules for civil servants need to be redrawn based on the values and code of ethics as outlined in this Chapter (Chapter 16).

THE CIVIL SERVICES LAW

17.1 Legislative Intent in Other Countries

17.1.1 Experience of Other Countries

17.1.1.1 Legislative commitment has been an important factor in ensuring the success of civil service reform initiatives in several countries during the last two decades. Legislative support provides not only a legal framework for civil service reform but ensures the continuity of these reforms. Such legislation plays a pivotal role in describing and establishing the core principles which civil servants should imbibe. It also provides a clear, unified framework within which the civil servants can perform their roles and discharge their responsibilities. A new law is often needed to create and empower institutions which would ensure that the civil servants discharge their duties while upholding the principles enshrined in the Constitution.

17.1.1.2 In New Zealand, for example, it is argued that civil service reforms could have been implemented under the existing legal provisions with required amendments instead of fresh elaborate legislations. However, three important reasons have been cited for adopting a new legislative route. First, they provided the necessary explanation for the proposed reforms. When these Bills were introduced in the legislature, there was extensive debate as a result of which, issues were clarified and doubts were set at rest. Second, when the reforms were given legislative cover, there was bipartisan political support and both the major political parties were committed to the changes. Third, civil servants normally give due importance to laws, and in this case, these legislations sent an important message that the reforms were there to stay.119

17.1.1.3 Public service laws which sought to bring major reforms have also been enacted in Australia and a Public Service Bill has been under consideration for more than a decade in the United Kingdom. However the conditions under which these laws were proposed as also the ingredients differ widely from country to country.

Adapted from S K Das, Civil Service Reforms and Structural Adjustment, p.91