

## Common Cause- India International Centre

### ***Seminar on Ethics in Governance*** **30<sup>th</sup> Jan, 2010**

#### **A Consultation Paper**

#### **1. Introduction**

Ethics is defined as values relating to human conduct with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions. It represents the core value system and the moral precepts held, or rules of conduct followed by individuals, institutions, or societies while making choices in the course of everyday problem solving. They create a framework for determining "right" versus "wrong". Applied to Governance, ethics would encompass all the behavioural traits of various organs of a government.

#### **2. Morality vs Ethics**

The terms *ethics* and *morality*, even though closely related, have different connotations. Morality can be an individual set of commitments, while ethics are collective.

#### **3. What Ethics is Not?**

- Ethics is not "religion". Many highly ethical people are not very religious. Many very religious people are not very ethical. Most religions do advocate high ethical standards to a certain extent, but those ethical standards were set in different times. These standards may not always be applicable in the present times and do not address many of the collective needs of the present.
- Ethics is not "following the law". Laws themselves may not always be ethical. A good system of law does incorporate many ethical standards, but a law can deviate from what is ethical. Ethics are not always amenable to legislation.
- Ethics is not "following culturally accepted norms". Some cultures are quite ethical, but others become corrupt, or blind to certain ethical concerns (United States was to slavery before the Civil War; caste system in India). "When in Rome, do as the Romans do" is not a satisfactory ethical standard. <sup>1</sup>

**4. Ethics in Government** In an ethical government, representatives of the government, which includes its employees, but is not limited to them, carry out their duties and shoulder their responsibilities to maximise welfare, fulfilment and happiness to the mass of common citizens in a timely manner without fear or favour and without sacrificing the long term interests of the society. **In an ethical government, representatives of the government do not refrain**

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<sup>1</sup> Values and Ethics for Public Services-B.P.Mathur

**from, delay or abandon their duties or responsibilities for reasons of sloth, greed, ego, dilatoriness or vengeance and those who do so are punished quickly, fairly, sufficiently and transparently.**

Sometimes, it's easy to see when things go wrong in government for instance when government officials and politicians take, or refuse to take, important decisions in the name of public interest and in the process, blatantly trample upon interests of general public, and more particularly, those of the vulnerable sections. The major afflictions of the political process today are electoral misconduct (transgressions relating to campaign-funding, use of illegitimate money, violation of expenditure limits, rigging of electoral rolls, impersonation, booth capturing, violence, inducements and intimidation), floor crossing to capture power and abuse of public office. Elected representatives by and large, protect the interests of their parties, even when these go against the public interest. Quite often, government officials allow the wishes or the interests of their families, fraternity or cadre to over-ride their primary duty of protecting and furthering the interests of common people.

While it is unrealistic to expect perfection in an ethically imperfect environment, it is a fact that the ethical standards set in politics profoundly influence all aspects of governance. Citizens expect their representatives to maintain high moral and ethical standards in their professional and private lives and to act out of conviction and a commitment to public good, rather than to pursue aspirations of personal power and private profit. That is why the authority to take decisions that determine the fortunes of both the state and the citizens is conferred on them. Failure to live up to these expectations seriously undermines not only the trust citizens have in the ability of their elected leaders to act in the public interest, but also in the legitimacy of the state and its institutions. But it is equally true that other organs of the State, namely the executive and judiciary, which are duty bound to prevent misuse of authority by political functionaries, have singularly failed in this duty over the years and have often colluded with them. Furthermore, they themselves have misused their power and position for illegitimate personal gains or to protect their guilty colleagues. The 'Single Directive', which virtually prevents investigation into the misconduct of senior officials of the rank of Joint Secretary or above, is a blatant example of illegitimate self protection devised by the higher echelons of bureaucracy.

#### **4.1 Ethics and Transparency in Government**

The touchstone of any government is the quality of decisions made by its components – institutions and individuals. The underlying philosophy is doing what is 'right' for citizens and doing so in a manner that earns the trust and confidence of the public. This requires a government which is open, accountable, accessible, humane, fair, proactive, farsighted and transparent. When we talk of transparency in government, we mean that citizens must be able to "see through" its workings, to know exactly what goes on when public officials transact public business. A government that is not transparent is more prone to corruption and undue influence. When citizens know what their government is up to, they have a better chance of ensuring that decisions treat everyone equally and protect the common conditions that are important to everyone's welfare. As the Carter Center puts it in *Access to Information-Key to Democracy*:

*Democracy depends on a knowledgeable citizenry whose access to a range of information enables them to participate more fully in public life, help determine priorities for public spending, receive equal access to justice, and to hold their public officials accountable. Inadequate public access to information allows corruption to flourish, and back-room deals to determine spending in the interests of the few rather than many.*

Lack of information impedes citizens' ability to assess the decisions of the government and the motives behind those decisions. Access to information is critical for their capacity to hold the government accountable for its actions and inaction.

## **5. Ethics and Corruption**

According to the 4<sup>th</sup> Report of the 2<sup>nd</sup> Administrative Reforms Commission on "Ethics in Governance", "corruption is an important manifestation of the failure of ethics and values system in a society". Unless values are restored, nothing much can be done to improve the conduct of human beings. Independent institutions for monitoring adherence to these values and a properly designed system of incentives and disincentives for enforcing them are of utmost importance in promoting ethical conduct by public servants.

As mentioned earlier, Ethics is a set of standards that helps guide conduct. One of the problems in ensuring ethical governance is that the present codes of conduct are not explicit and to the point. They are full of vague sermons that rarely enunciate the prohibitions directly. While formulating an actionable code of ethics, it would be useful to keep in mind the advice of Napoleon, who said, 'Law should be so succinct that it can be carried in the pocket of the coat and it should be so simple that it can be understood by a peasant'.

The solution to the problem of corruption has to be systemic. Mere reduction of the role of the state can not be a panacea. A poorly thought through or badly implemented deregulation, which signifies an abdication of responsibility on the part of the government, does not solve the problem of unethical conduct by economic operators. This is borne out by the events in the recent economic meltdown in the US and elsewhere. Existing institutional arrangements have to be reviewed and those vested with discretionary powers have to be made accountable. Their functioning has to be made more transparent and subject to social audit. All procedures, laws and regulations that breed corruption have to be eliminated and the acts of omission and commission that impede the efficient and timely delivery of public goods and services severely punished. The perverse system of incentives and disincentives, which obtains today, makes corruption a high return, low risk activity. This needs to be corrected. Also, social monitoring through empowered autonomous and credible structures of civil society must be established for all levels of public offices.

As Gladstone so aptly said, "**The purpose of a government is to make it easy for people to do good and difficult to do evil**".

## **5.1 Transparency International's Report on Corruption**

The Corruption Perceptions Index (CPI), 2009, which measures the perceived level of public-sector corruption in 180 countries and territories around the world, has placed **India at 84<sup>th</sup> position.**

"Stemming corruption requires strong oversight by parliaments, a well performing judiciary, independent and properly resourced audit and anti-corruption agencies, vigorous law enforcement, transparency in public budgets, revenue and aid flows, as well as space for independent media and a vibrant civil society," says Huguette Labelle, Chair, Transparency International.

## **5.2 Corruption - An Overview**

Corruption is commonly defined as misuse of public office for private gain. While private gain is typically interpreted in terms of monetary benefit, it can assume the form of non-monetary benefits, such as improved chances of re-election and helping friends or members of one's own social, professional, caste or religious networks, political party, vote bank, fraternity or cadre, to obtain public resources disproportionately, or out of turn, or to shield them from punishment for their wrongdoings.

Corruption, in general, can be need based, or it can be greed based. A person may indulge in corruption if there is no honest option left to him to meet his essential / minimum needs. Or, he may indulge in corruption if he is unable to control his greed. Need based corruption can be reduced substantially by addressing its root cause, i.e. by putting together policies to ensure that the basic needs of the lower rungs of public services (e.g. police constables) are taken care of through readjustment of the remuneration framework. Greed based corruption, practised mostly at middle and higher levels, cannot be tackled by increasing remunerations. Reducing greed based corruption requires a tough and effective legal framework, implemented ruthlessly. It is equally true of institutions such as political parties, which indulge in both need based and greed based corruption.

Let us further analyse how need and greed lead to corruption, especially in the context of a Neta – Babu nexus.

### **5.2.1. Financial Corruption**

It became virtually impossible to meet the basic financial needs of a political organization through honest means after corporate donations were banned in the late 1960's on the ground that such donations come with undue influence on government policies. In the absence of alternative means of financing political activities, black money, and hence corruption, got embedded in the political fabric of our country. Earlier, an environment of acute shortages of basic necessities of life during World War II had already fostered widespread corruption in the government set-up.

The need of political parties to raise finances for their legitimate political activities became acute even as political processes became murkier and more expensive. Around that time, a system of license - permit raj was put in place to

regulate economic activities in the country and to secure the “commanding heights” of the economy for a public sector, which, was owned by a single and not very public minded entity, namely, the government. To make matters worse, the public were not allowed to own any shares in the public sector. It was not entirely a coincidence that the licence - permit raj so created also engendered an economy of all pervasive shortages. No wonder that the ruling party milkied these shortages to overcome the financial stringency that confronted it. The industrial and commercial sectors were co-opted by the corrupt but powerful sections of the bureaucracy into the system of corruption and patronage through confiscatory taxation policies meshing into the license - permit raj. To a large extent, this was actuated by the need to generate black money.

Economic reforms, hesitantly initiated in the early 80’s and accelerated by the unprecedented balance of payments crisis of 1991, have largely freed the industrial and commercial sectors from the compulsion to operate within the framework of the old corrupt system. The phenomena of artificial shortages and black money operations are now in evidence mostly in areas where the old administrative controls have not yet yielded to similar reforms, e.g. energy (including the petroleum sector), land and agriculture sectors. Recent changes in taxation policies have had a salutary effect by raising the levels of tax compliance. Moreover, the ban on corporate donations to political parties has been removed and the corporate sector now finds it beneficial from the taxation point of view to make political donations by cheque. However, corporate donations to political parties are far from adequate for meeting the current financial needs of political processes in our country. Hence, need based corruption for meeting the financial requirements of political parties not only continues, but has, in fact, grown substantially due to fractured mandates and coalition politics, which have become the norm at the centre and in many states. The time has come now to give attention to the need based corruption of a financial nature, indulged in by individuals in politics and by political parties. A system of financial support from the state exchequer has to be put in place for sustaining the essential political processes. Likewise, realignment of the remuneration structure of low paid members of public services, such as in the law & order sector and judiciary, is a pre-requisite of any attempt to reduce need based corruption.

### **5.2.2 Non-Financial Corruption**

Vote-bank politics is the most visible type of non-financial political corruption. Misallocation of public resources by choosing to target resources towards specific groups, such as one’s own caste group, or towards one’s own electoral constituency, is a very widely practised form of non financial political corruption. Organization of political competition along caste or community lines, particularly at the state level, has significantly increased political corruption. Rabble rousers belonging to a dominant caste or community, with little education and even less inclination for public service, and very often with serious criminal records, are considered winnable and figure prominently in the electoral lists of all political parties. Socially, educationally and economically backward areas are more prone to this variety of politics and political corruption. Uttar Pradesh and Bihar are leading examples of the ascendancy of caste and community based politics, as well as of increased political corruption. The political formations that benefit from this format of democracy have developed a strong vested interest in ensuring

that the areas under their influence remain backward. This is true irrespective of the political philosophy of the ruling party. West Bengal, Bihar, Jharkhand, Orissa, Chhattisgarh, U.P., M.P. and Rajasthan have all had governments of various hues, but all remain socially, educationally and economically backward because of non financial corruption, though not necessarily of the caste variety.

Women, as compared to men, tend to give higher priority to expenditure on food, education, health, drinking water and sanitation. If these priorities are accepted and investment in them is increased substantially, it would weaken caste and community based politics and strengthen value and development oriented politics. It is hardly surprising that caste or community based political parties are the most vocal opponents of legislative initiatives for giving women a greater say in decision making and resource allocation.

Non-financial corruption among non-political actors mostly takes two forms. First, as in the political sector, there is misallocation of public resources by choosing to target resources towards specific groups having affinity with the decision makers. The quasi-monopoly of all senior positions in the government by members of a particular cadre, namely the IAS, is also an example of deep rooted and pervasive non-financial corruption. Unethical, and very often illegal, protection provided by members of various cadres to their fellow members accused of serious crimes is now public knowledge, thanks to the role of electronic media and the efforts of civil society. As stated earlier, the 'Single Directive', which virtually prevents investigation into misconduct of and prosecution of senior officials, is a more blatant example of illegitimate protection provided by higher echelons of bureaucracy to themselves. That this section of bureaucracy has managed to hold on to this immunity despite the relevant rule having been declared unconstitutional shows how deep seated the malady is. Invoking the high principle of judicial independence, the judiciary has also armed itself with the powers to block all investigation by law enforcement agencies in respect of allegations of criminal misconduct by its members without putting in place an effective in-house mechanism of investigation. Recent reports show that abuse by the judiciary of this self-acquired power is also on the rise.

### **5.2.3 Greed based Corruption**

While need based corruption is amenable to control through systemic actions, greed based corruption practised by higher echelons of power is more diffused and, therefore, more difficult to control.

An individual may steal public resources in several ways. He may exploit his position to take bribes for placing a contract, or even for stopping the placement of a contract by resorting to red tape. He may set up schemes, for "public welfare" which in effect, act as channels for leaking public resources. The public distribution system for food grains, sugar and kerosene is a prime example of a well intentioned scheme being converted into a lucrative channel for plundering public funds. Controls on land use and acquisition of land at low prices, ostensibly in public interest, but in reality for private gain (as for SEZs and other designated industrial or commercial areas), are also major sources of corruption. Due to poor monitoring, wide-spread leakages are also being reported in a progressive scheme like NREGS, despite several built-in checks and self-

correcting mechanisms. Public sector undertakings are, in most cases, being tapped to siphon public resources for personal use.

The opportunity cost of being in politics is likely to be lower for poorly qualified, incapable and dishonest politicians, since the market value of their services in alternative professions will be lower than that of highly educated, capable and honest politicians. Also, a greater propensity to misuse their office implies that dishonest politicians would reap higher financial returns from holding office. Naturally, in an environment where corrupt politicians are not punished, but are protected by virtue of their office, a career in politics becomes the best refuge for scoundrels.

Similar is the case with government employment and the judiciary. Individuals with the best credentials are increasingly shying away from a career in the government and the judiciary. Conversely, the prospect of illegitimate financial gains and the immunity from punishment provided to the corrupt are increasingly attracting unscrupulous elements to these careers.

Just as bad money drives out good money, bad politicians drive out good politicians, bad bureaucrats drive out good bureaucrats and bad judges drive out good judges.

The Right to Information Act, 2005 has, for the first time, provided to the public an effective check on greed based corruption – both political and bureaucratic. Its results are beginning to be visible even in the short period since it's coming into force and in spite of determined efforts by vested interests to nullify the provisions of the Act. If the corrupt practices brought to light with the help of RTI are condemned by the general public, and this is reflected in their voting decisions, then greed based political corruption would surely decline, as would bureaucratic corruption.

Finally, an opaque system, in which the levers of control are in the hands of a weak-willed bureaucracy, is a natural breeding ground for political and bureaucratic corruption. The ill effects of such a system can be clearly observed in the field of power distribution and the petroleum sector, which are characterized by quasi-monopolies and emasculated, patronage-based regulatory bodies. Liquidation of state monopolies and administered pricing mechanisms and creation of transparent and independent regulatory bodies comprising persons of high integrity would go a long way in reducing the level of corruption in public life.

## **6. Second ARC on Ethics**

**6.1** The Second Administrative Reforms Commission, in its 4<sup>th</sup> report (2007), "Ethics in Governance", which has extensively covered the issue of ethics, observes, "The crux of ethical behaviour does not lie in bold words and expressions enshrined as standards, but in their adoption in action, in sanction against violations, in putting in place competent disciplinary bodies to investigate allegations of violations and to impose sanctions quickly and in promoting a culture of integrity". The wide ranging recommendations of the ARC include partial state funding of elections, tightening of the anti-defection law and adoption of a code of ethics for ministers, legislatures, judiciary and civil

servants. In order to check corruption, it has proposed that the provisions of the Prevention of Corruption Act should be strengthened by making corrupt public servants liable for paying damages and confiscation of illegally acquired property. The Commission has also proposed fast tracking of trials in corruption cases and establishment of strong institutions of Lok Pal/ Ombudsman at national, state and local levels with powers to look into charges of corruption against high public functionaries, including chief ministers, ministers, MPs and MLAs.

Recommending a code of ethics for civil servants, the Second ARC observes: " 'Public Service Values' towards which all public servants should aspire, should be defined and made applicable to all tiers of government and parastatal organizations. Any transgression of these values should be treated as misconduct, inviting punishment". In order to create a regime under which quick disciplinary action can be taken against delinquent government servants, the ARC has recommended deletion of Article 311 of the Constitution. Concurrently, a legislation under Article 309 should be enacted to protect public servants against arbitrary action. The Commission has also suggested certain measures to protect honest civil servants against malicious complaints.

**6.2** The ARC in its 10<sup>th</sup> Report on Personnel Administration has re-emphasized the need for prescribing Civil Service Values and laying down a code of ethics (Chapter 16, para 16.10). It says:

"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."

"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."

"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 should 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.”

## **7. An Enabling Environment for Adherence to Ethics**

It needs to be emphasized that even the most watertight institutional or legal mechanisms will fail to ensure adherence to ethical conduct unless there is an enabling environment. An enabling environment allows one to follow the path of honesty and integrity without having to sacrifice one’s basic needs. Once these needs have been met, any deviation from rectitude has to be construed as a transgression driven by avarice, self indulgence or pursuit of personal power and must be severely sanctioned. The principles enshrined in the proposed code of ethics for civil servants apply equally to all spheres of governance, including civil society institutions. As these universal principles are internalised by institutions of governance and the individuals manning them, adherence to ethics becomes the norm and unethical conduct an aberration.

### **7.1** A quick recapitulation of these principles follows:

- **Integrity**-It is a virtue of basing one’s actions on an internally consistent framework of principles. It can also be termed as personal honesty, acting upon one’s beliefs and values at all times and being able to execute one’s actions, professionally and at a personal level, with thoughtful deliberation and discrimination. A public servant should not accept any consideration from a party, which might benefit from the exercise of his discretion. Bureaucrats should give honest and impartial advice to the political executive without fear or favour. Elected representatives must be true to the commitments made to their electorates. In the case of the judiciary, absolute integrity becomes a matter of *sine qua non*.
- **Impartiality**-Every functionary of institutions of governance is expected to act in a non discriminatory way without prejudice, favour or disfavour to anyone.

Civil servants have to be politically neutral and be able to serve Governments of all political persuasions loyally and with equal commitment. Elected representatives are expected to be unbiased, impartial and equal towards their constituents, regardless of their gender, caste, creed, language or political affiliations.

- **Commitment to public service:** A firm commitment to welfare of all citizens must be the guiding principle of every public servant who has been bestowed the opportunity to make a difference to the society.
- **Open accountability:** The explosion of new information and communication technologies allows for a rapid, global diffusion of ideas and practices, enabling the public to demand and obtain higher standards of ethics, transparency and accountability in the public sector. This enforces responsive public policy and behaviour, promotes good governance and increases the risks involved in corruption and non-performance. It is universally recognised that corruption impedes economic development, undermines stability and erodes trust in public institutions. The poor are the worst affected by corruption, which results in the denial, or reduction in the quality, of delivery of public goods and services to them.

While presenting the Interim Budget for 2009-10, Mr. Pranab Mukherjee had said that the Right to Information Act (RTI) has brought about greater accountability among public servants. However, there have been disturbingly persistent reports of determined efforts to dilute and denature the provisions of this Act and to exclude much of the functioning of certain key institutions of governance, notably the judiciary, from its purview. Constant vigilance on the part of civil society has so far managed to pre-empt and counter these moves.

**Devotion to duty:** Unflinching devotion to duty under all circumstances and its discharge with efficiency, firmness, foresight should be the governing principle for every public official.

- **Exemplary behaviour:** The top functionaries in the three organs of the state are duty bound to set an example for their subordinates as well as for the society at large by dealing with the affairs of the public sympathetically, efficiently, promptly and without bias. They have to establish standards of effectiveness, leadership, judiciousness and decisiveness and take a special care not to misuse their official position or information acquired in the course of their official duties to further their private interests. To a great extent, their personal conduct influences the organisational behaviour.

## 8. Systemic Reforms

**8.1** The 2<sup>nd</sup> Administrative Reforms Commission in its 4<sup>th</sup> Report on Ethics in Governance, while emphasizing the importance of systemic reforms for combating corruption, states that:

"A holistic approach for combating corruption would require an optimum mix of punitive and preventive measures. Punitive measures act as a deterrent whereas preventive measures reduce opportunities for corruption by making systems transparent, increasing accountability, reducing discretion, rationalising procedures etc. Better preventive measures act as 'Systemic Reforms' as they seek to improve systems and processes."

**8.2** Some such initiatives in recent years relate to e-governance. A very successful example is Railway Passenger Bookings (Indian Railways). The computerization of railway passenger bookings, including 'on-line' booking and e-ticketing has eliminated the middlemen, decongested booking offices and brought considerable transparency to the Railway reservations process. Similarly, the Bhumi project in Karnataka provides on-line delivery and management of land records. It provides transparency in land records management with better citizen services and takes discretion away from civil servants at operating levels.

**8.3** "Such 'best practices' drive home the point that given a pragmatic approach to problem solving, proper leadership and planning; impressive results can be achieved in enhancing the quality of services and reducing corruption. But looking at the magnitude of existing corruption, such initiatives are far too few. The lack of transparency that generally shrouds government operation and programmes is a fertile ground for corruption. The weakness of accountability mechanisms also provides opportunities for corruption. Bureaucratic obfuscation and complexity of procedures make it difficult for the ordinary citizen to navigate the system.

What is required is large scale reform of both systems and procedures".

## **9. Role of Media**

The 2<sup>nd</sup> Administrative Reforms Commission in its 4<sup>th</sup> Report on Ethics in Governance states that:

"A free media has a crucial role in the prevention, monitoring and control of corruption. Such media can inform and educate the public on corruption, expose corruption in government, private sector and civil society organizations and help monitor codes of conduct while policing itself against corruption.

Investigative reporting by media or reporting of instances of corruption as they occur can be a significant source of information on corruption. Daily reporting of instances of corruption as they occur is another type of contribution. Timely action should be taken by the authorities to immediately respond to such reports, to appraise the correct facts, to take steps to bring the culprits to book and to keep the press and the public informed from time to time of the progress of such action.

It has been the common experience that very often there is no systematic arrangement to take note of these allegations and to follow them up. The collation of reports appearing in different sections of the media and their follow

up should be an integral part of complaints monitoring mechanism in all public offices.”

A special relationship exists between the media and the institutions of governance in democratic countries. Although the freedom of the media, which is enshrined in the Fundamental Rights guaranteed by the Constitution, may lend itself to a precise legal definition and enforcement, the exercise of that freedom by individual journalists is a matter of personal choice and ethics. A democratic government implies the representation of the millions by the hundreds. For these representatives to be accountable and for the process of governance to be transparent, effective communication paths to their constituents must exist. Today, these pathways are provided primarily by mass media. The media, therefore, has not only to exercise constant vigilance to ensure that the government adheres to ethical standards, but has also to adopt high ethical standards itself in order to function as a credible 'watchdog'. The greatest threat to the freedom and credibility of the media today comes not only from an overbearing state, but also from within. The rampant commercialism of media houses has given rise to the practice of dissimulating paid content, both in the commercial and editorial domains, as news and editorial comment. Evidently, a morally compromised media cannot campaign for ethical governance or function as an effective instrument for promoting political and administrative accountability. Civil society needs to join hands with the whistleblowers from within the media in the struggle to roll back the phenomenon of paid news and private treaties and campaign for effective institutional safeguards against unethical and unprofessional conduct by the print and electronic media.

## **10. Conclusion - Needed an Effective Ethics Structure**

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 excessive 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 act as a check against arbitrary use of discretionary power are a key factor in the quality of governance. Without some "ethics barometer" and benchmarks, it is not possible to measure changes in levels of corruption or misconduct in the public service. The following suggestions are made:

- a) There is a need to lay down statutory Code of Ethics for Public Services. It should lay down, in simple language, fundamental values which should govern the conduct of public servants. A Code of Ethics should provide every public servant a vision, a purpose and an ideal to strive for while carrying on his public duties and spur him to manifest his full potential and lead a fulfilling life..
- b) Violation and breaches of Code of Ethics should invite sanction and quick and exemplary punishment through a transparent process.
- c) There is need to create an independent office of Ethics Commissioner, 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.