Theoretical Framework

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https://www.thebetterindia.com/167134/ias-hero-ips-irs-inspiring-civil-servants-india/
https://www.thebetterindia.com/208000/ias-hero-uttar-pradesh-best-of-2019-initiatives-india-scheme-changemaker/

- [ ] Ethics and Human Interface
  - [ ] Essence, determinants and consequences of Ethics in human actions
  - [ ] Ethics in private and public relationships
  - [ ] Human values - lessons from the lives and teachings of great leaders, reformers, administrators
  - [ ] Role of family society and educational institutions in inculcating values
- [x] Attitude
  - [x] Content, structure, function
  - [x] Influence, relation w/ thought and behaviour
  - [x] Moral, political attitudes
  - [x] Social influence, persuasion
- [x] Aptitude
- [x] Foundational values for civil services
  - [x] Integrity
  - [x] Impartiality
  - [x] Non-partisanship
  - [x] Objectivity
  - [x] Dedication to public service
  - [x] Empathy
  - [x] Tolerance
  - [x] Compassion towards weaker sections
- [x] Emotional intelligence
  - [x] Concepts
  - [x] Utilities
  - [x] Application in admin and governance
- [ ] Contributions of moral thinkers and philosophers from India, world

- [ ] Public civil service values, ethics in public administration
  - [x] Status and problems
  - [x] Ethical concerns and dilemmas in govt, pvt insti
  - [x] Laws, rules, regulations and conscience as source of ethical guidance
  - [ ] Accountability and ethical governance
  - [x] Strengthening of ethical and moral vales in governance
- [ ] Ethical issues in international relations and funding
- [x] Corporate governance
- [ ] Probity in governance
  - [ ] Concept of public service
  - [x] Philosophical basis of governance and probity
  - [x] Information sharing and transparency in govt
  - [ ] RTI
  - [x] Codes of ethics
  - [x] Codes of conduct
  - [ ] Citizen's charters
  - [x] Work culture
  - [x] Quality of service delivery

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- [x] Utilisation of public funds
- [x] Challenges of corruption
- [ ] Case studies

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Ethics & Human Interface

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Terminology

Morality	- Convergence of our values, beliefs and ethics done for the greater public good, with emphasis on the right means - State/ quality of being moral with particular application - Exists as a social fact - Can conflict with ethics, if universalised - Personal compass - May change over time
Moral precept	- Idea or opinion that is driven by a desire to be good
Ethics	- Reasoned framework of moral principles, concerned with what is good for individuals and society - Cultural idea - Set of moral principles imposed by society on itself to regulate the behaviour of individuals. It means what society thinks is fair, just and reasonable. - Particular can be universalised & universal can be particularised - Rules concerning upright behaviour - May change from time to time - Codes of ethics exist because person's own morals may be silent on these aspects
Reason	- Process of synthesising using logic to draw inferences/ conclusions - Human faculty used for right decisions - Can work in harmony/ opposition to desire
Belief	- Cognitive constructs, exist as statements/ propositions assumed to be true but could be true/ false - Believing is natural process of development of mind - Mind needs beliefs to come to terms with reality - Come through experiences; influence our ideas, viewpoints, knowledge, attitudes - Evoke emotions, not necessarily actions
Faith	- State of unchanging belief towards something
Trust	- Evidence based belief formation
Knowledge	- End product of process of testing beliefs based on scientific evidences
Values	- Denote preferences for good or bad - Important and lasting beliefs on good/ bad and desirable/ undesirable - Come through external environment - Expressed in terms of 'should' - Guiding principles
Virtue	- Values universally believed to have some goodness in them OR - 'habitual' and firm disposition to do the good; an excellent state of character or intellect - Eg. Honesty, trust, gratitude
Principles	- Abstract concepts to guide behaviour according to a particular value - Moral rules considered universal in nature - Eg. *Impartiality* as a principle to implement value of *equality*
Norms	- Standards of behaviour that regulate individual actions

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	- Established social practice considered normal in particular context - Form of social control - Laws = codified norms
Freedom	- State of being capable of making decisions without external control - Political value - ~sovereignty, liberty
Rights	- Normative rules or claims to realise freedom in certain respect
Duty	- Obligation tied to certain roles to behave in a certain way
Probity	- When prescribed ethical standards are upheld by governance
Rules	- Set of instructions/ prescriptions - Conform with laws/ traditions to be followed
Rule of law	- Legal and political systems, structures and practices that condition a govt's actions to protect citizens' rights and liberties, maintain law and order, encourage the effective functioning of the country
Action	- Conscious, goal oriented part of behaviour, leading to change
Behaviour	- Range of human response to environment - Includes conscious actions & unconscious reactions - A + B = C diagram
Character	- Mental, moral qualities in totality that underlies personality - Character traits based on beliefs - Strong character = behavioural qualities consistent across different situations
Intuition	- Ability to understand something instinctively, without conscious reasoning - Not always random - based on subconsciously stored information - No moral choice involved
Conscience	- Person's moral sense of right and wrong, as guide to one's behaviour - 'inner voice of reason' - May or may not involve elaborate reasoning - Moral choice is involved - Can be willingly suppressed - Crisis of conscience - when willingly suppressed under threat/ higher authority
Instrumental Values	- Specific methods of behaviour - Not an end goal; merely provide means by which and end goal is accomplished

What is not ethics
- Ethics is not religion
- Ethics is not following the law
- Ethics is not following culturally accepted norms

3 branches of ethics
- Meta ethics - broader questions - definitions, what something is
- Normative ethics - what we ought to do
  - Kant's deontological ethics
  - Bentham's & JS Mill's utilitarianism
  - Aristotle's virtue ethics
- Descriptive ethics - concerned with what is morally right and wrong
  - Study of people's views about moral beliefs
  - Analyses people's moral values, standards and behaviour
  - Describes how people behave and what types of moral standards they claim to follow
- Applied ethics - practical issues

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Ethics and laws

Divergence

Ethics	Laws
- Reasoned framework of moral principles, concerned with what is good for individuals and society - Violation may invite social sanction; no legally enforceable punishment in court of law - Wider scope - May vary from person to person; depending on opinions - Can be vague - May evolve as a society matures (Sati, homosexuality)	- Statement of reasons to achieve the common good by a sovereign - Structured system of rules and regulations enforced through certain authority to govern individual's behaviour - Violation invites punishment - legally enforceable action by competent authority - May be silent in some areas - Define clearly what is illegal; irrespective of individual opinions - Well defined and precise - Laws have to be changed through specific legislative actions (377, Adultery law - commodification of woman, law on marital rape)

Laws and social change

- Pros:
  - Have normative and punitive element, which invokes universal obedience
  - Objective, universally applicable
  - Police acts as enforcement agency to ensure obedience
  - Judiciary ensures no one goes unpunished on violation
- Cons:
  - Laws only decide the direction in which the society 'should' move, not where the society actually moves.
  - Adherence to laws may not be followed in private sphere of life
  - Social morality depends on socialisation and social control forces too.

Convergence

- Both maintain a set of moral values; prevent violation
- Provide guidance for action in certain situations
- Most laws present minimum standards of ethical human behaviour
- When certain ethical principles become widely accepted, codified into laws
  - Commercial surrogacy banned - motherhood sacrosanct
- Ethics guide laws; dynamic relationship as a function of time

US Plain Writing Act -- mandated federal agencies to write rules, regulations in clear, succinct and legible language

Morality

- Neither based on utility, nor law of nature, but on human reason -- fallible
- Human actions based on reason - conditioned by numerous factors, like political and social order
- Morality thus means reasoned stand to differentiate good from bad; must be open to new facts and alternate viewpoints which broaden the horizon of human reason
- However, there also exist transcendental, objective moral truths which functions regardless of geographic location, place in history, or form of culture

Ethics and Morality

- Venn diagram

Divergence

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Ethics	Morality
- Theory of right action & greater good; Science of morals - Collective propositions of society -- more objective	- Practice of right action & greater good at individual level - Subjective as individual propositions; varies person to person

Convergence

- Both practiced through morals
- Both may be embodied in conduct rules, having the force of law
- An individual's morals can be informed by the broader rules of ethics

Examples

- Defence Lawyer -- morals: criminal must be punished; professional ethics: defend the client to best of their abilities
- Civil servant accepting bribe (Prevention of Corruption Act) vs involved in adultery (moral lapse)

Determinants of Ethics

Psychological determinants

- Human conscience & intuition
  - Goodness/ badness need no justification
  - Can be intuitively detected
  - Note: moral truths here are not derived from rational arguments/ hunch/ feeling

Personal determinants

- Leadership
  - Helps determine conduct of followers/ admirers
  - Democratic, liberal, secular, tolerant tradition in India
  - Also prone to unethical practices
- Philosophies
  - Different set of ethics subscribed to by different philosophers

Religious-cultural determinants

- Culture
  - Western - individualistic
  - Indian - universalism, multiplicity
  - Literature -- 8 fold path, 5 rules of Jain
- God and religion
  - Traces source of ethicality to God
  - Doesn't imply conflation of ethics and religion
  - Ram Rajya - ethical society rather than a governance model

Socio-political determinants

- Society
  - Shouldn't
  - Ethics can't be equated to what society accepts
  - Indoctrination under Nazi, Caste system, untouchability in pre-independence India
- Family, teachers and life experiences
  - Influencers
  - Some may break free from these and choose own path
- Law

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    - Incorporates ethical standards to which most citizens subscribe
    - Can deviate from what is ethical (marital rape, old adultery law, Rowlatt act under Brits)
- Constitution
    - Way to establish moral disposition of society

Economic Determinants

- Gandhi: to a hungry man, a piece of bread is the face of God
- Aristotle: considered middle class as ideal ground for ethical development
- Marx: economics largely determines human actions

Determinants

- Collective level
    - Level of economic development
    - Level of inequalities
    - Type of economic system
- Individual level
    - Perception of relative deprivation
    - Socio-economic class

Relation w/ ethics

- Constraint

Poor	Rich
Poverty -> self-victimisation -> hatred to society -> unethical acts	- Arrogance -> unethical acts
- 66% of juvie come from poor families	- Fake remdesivir - Oxygen blackmarket

- Facilitator

Poor	Rich
- 1st hand compassion - Subaltern view - Environmental ethics (use as ends, rich treat it as means)	- Leisure - Philanthropy - Compassionate capitalism (Gates Foundation) - Nordic ctries -- good income + good in corruption index
- Mohd Yunus - K'taka's lake man digging lakes in villages; himself shepherd - Poor autorickshaw drivers provide free ambulance during COVID 19 - K'taka's Kamalamma 70yo - ₹500 from monthly pension of ₹600 for COVID relief	- Gandhi's trusteeship model

Consequences of ethics

- Measurable by happiness, suffering, pain, pleasure
- Motivates or prohibits one from doing certain things
- Long term consequences vs short term gains
- Difficult to predict though

Dimensions of ethics

4 fundamental questions

- Nature & status of morality
- Nature & meaning of moral judgements

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- Fundamental rules, principles & values justifying moral judgements
- Practical application of ethics

Dimensions of study of ethics
- Meta ethics -- 1st 2 questions
- Normative ethics -- q3
- Applied ethics - q4

Approaches to normative ethics

- Consequentialist approach:
    - ethics of an action determined by its consequences/ results
    - Ends >> means
    - 2 types
        - Act consequentialism -- assess ethical consequences of every single act
        - Rules consequentialism -- use ethical rules derived from considering general consequences of particular types of acts
    - Eg.
        - Utilitarianism - JS Mill & Jeremy Bentham
            - Bentham: The greatest happiness of the greatest number is the foundation of morals and legislation. (welfare maximisation)
        - Hedonism - something is good if the consequences produces pleasure/ avoids pain (pleasure maximisation)
    - Critique:
        - difficult/ impossible to know the result of an action ahead of time
        - can lead to objectionable decisions, whose consequences are good
            - Abolition of 377
        - Lacks predictability and consistency required to sustain trust and social stability
        - Overlooks interests/ needs/ happiness of numerically inferior groups (eg. Restrictions on beef, Jews' in Hitler's Liebensraum)
        - Evaluation is time and resource consuming -- measuring, comparing consequences difficult
        - Easy to bias in favour of particular groups
        - Ignores things we regard as ethically relevant -- like intentions (categorical imperative), methods used (deontological), foundational values/character (virtue)
        - Doesn't account for fairness of result
        - Can be inconsistent with human rights
            - Hitler's Lebensraum
        - Happiness not quantifiable/ measurable
        - Inherent unknowability of consequences -- spanner in the working of utilitarianism

- Deontological approach
    - Ethics is what people DO, not what is the outcome
    - Non consequentialist
    - Means >> ends
    - Natural Rights Theory -
        - humans have absolute, natural rights
        - Universal rights, inherent; not contingent on human actions/ beliefs

- Categorical imperative -- Emmanuel Kant
    - MOTIVES determine ethicality of action, not consequences
    - 'An action, to have moral worth, must be done from duty.' - Kant

- Virtue ethics

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- By Aristotle
- Person based, not action based
- Focus on inherent character of person
- Also provides guidance as to the characteristics a good person would seek to achieve
- Phronesis - Aristotle's 'practical wisdom' in virtue ethics - because virtuous person can't have rules to decide how to act in any situation beforehand -- Phronesis is an on-the-spot ability to see the good in any situation and how to achieve it; not to be mixed w/ cleverness (practical wisdom for achieving any goal, good or bad)
- Also Confucian 'ren'
  - __
- Also, Buddhist middle path b/w extremes of vices of too little and too much - Goldilocks zone; neither overshooting nor falling short

- Contextualist approach
  - Rejects prescriptive rules
  - Right and wrong depends on situation

- Super-naturalist approach
  - Ethics attributed to God

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Specific Examples of Applied Ethics

➢ Covered under specific applied ethics section

Ethics in Private and Public Relationships

Private relationships

- Based on emotional bonds rather than any formal procedure that regulates them
- Informal in nature
- Generally accepted underlying principles
  - Loyalty
  - Love
  - Affection

Public relationships

- Wrt interactions and business dealings in professional life
- Principles

Advocacy	Honesty & selflessness	Expertise
Accountability & openness	Loyalty & spirit of service	Fairness & justice

- 7 core values as defined by Nolan Committee - OO SHILA // IAS HOLO

Objectivity	Openness	
	Selflessness	Honesty
Integrity	Leadership	Accountability

- OECD - LIJI TREE

Legality	Impartiality	Justice	Integrity
Transparency	Responsibility	Equality	Efficiency

Public & private ethics

- Great personalities had same yardsticks to measure both personal and public lives
  - Rajarshi Purshottam Das Tandon - donated entire MP salary

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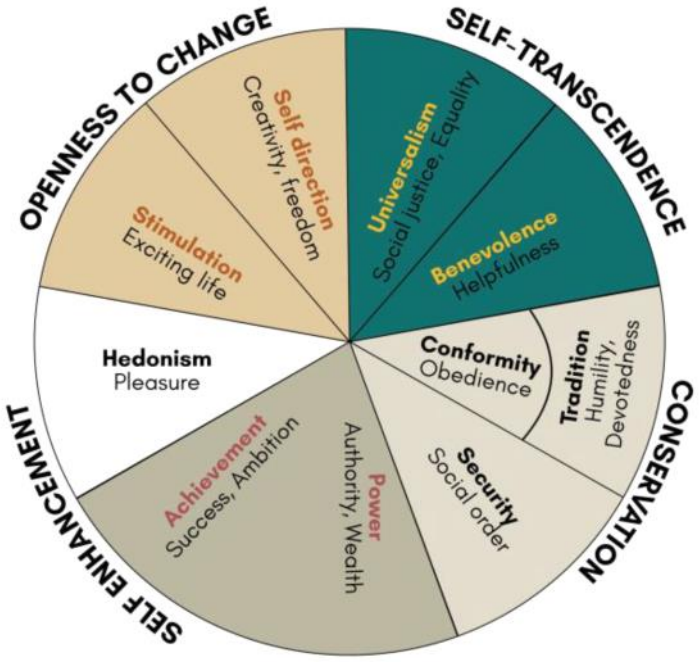
- Public/ professional relations can evolve into personal relationships with sharing of personal details. Viz. Teacher - student
- Important to avoid conflict between personal and professional ethics
    - Could lead to frustrations, guilt, confusion, dissonance
- Too much congruence could lead to stagnation of ideas

<u>Resolving ethical conflicts</u>

- No universal approach
- Choose what the right thing to do is without fear or favour
- Free of any bias
- Approach/ methods must be varied according to situations

Human values



Shalom H. Schwartz (graph)

- Values
    - Denotes importance we assign to different aspects of the world around us
    - Preference as well as a conception of the preferable
    - Ethical decision making => weighing values against one another
- Human values
    - Values that help human beings to live in harmony with the world
    - Wide range - personal, family, community, social, political, environmental, work life

Socialisation:

- Process of indoctrination of an individual into their culture
- Transfer of culture from generation to next
- Lifelong process
- Techniques - observation, condition, role playing, trial and error

Role of family in inculcating values

- Family: basic unit of society
- Pass on values of harmony, equity, cooperation, democracy, peace, honesty, truthfulness, happiness, loyalty & integrity
- Immediate role models
- Mode of rearing also impacts values in future
- Changing nature of family system and values

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    - Value system imparted has changed in modern nuclear family
    - Competition vs cooperation, individualism vs family & collectivism, consumerism vs delayed gratification & sacrifice
- Not necessary for a child's value system to be similar to that of parents on growing up

? Role of Educational Institutions
Also Q9 at end of text

? Media as an agent of inculcating values

Social influence of AI
- Interactive tech: 2-way flow of information thru an interface b/w user and technology, on a real time basis
- Role under 3 principles of social influence

Wrt Conformity	Wrt Compliance	Wrt obedience
- Change in behaviour/ attitude brought about to follow others	- Doing what others want us to do through request/ suggestions - Interactive tech: goal to capture & analyse different ways of human interaction, environment, and objects around them	- Following through commands given by others
- Social comparisons thru - insta, fb, tiktok, etc - Public leader boards in online games - unnecessary competition, peer pressure, negative effect on those ranked low	- Use of tech by ISIS to brainwash people - Access to personal data through apps -> financial, data frauds - Inadequate attention to privacy controls	- Online games with self harm components -- Blue Whale challenge, choking game, etc --- negative physical and psychological impact on teenage participants - Mass hysteria, panic, lynching due to fake news and videos

Ethical Universalism vs Ethical Relativism

Universalism
- Universal and immutable ethical values
- Ethical principles that are always true can be discovered, applicable to everyone
- Can't be traded for any just/ unjust objectives
- Overlooks need to respect diversity
- Overlooks consequences of act is also factor in deciding ethicality of act

Relativism
- Ethicality depends on cultures, periods in history
- Eg
    - homosexuality
    - Surgical strikes despite commitment to non-violence
    - Equality principle vs affirmative action
- Reduces ethical principles to the level of being just 'general agreement of a group of people'
- Prioritises majoritarian view
- No common framework for resolving moral disputes/ reaching agreement on ethical matters among members of different societies

Global Ethics
- Draws parallels b/w self interest of nations & universality of these interests -- shared understanding of global problems
- Moral pressure for countries to assist other countries in need

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    - Eg CBDR-RC (Common but Differentiated Responsibilities & Respective Capacities)
- Checks and balances to avoid unilateral actions
- Space to countries to discuss and generate consensus
- Holding govts responsible for domestic action (eg. UNHCR visits to check human rights violations)
- International institutional framework -- collective efforts directed towards common goals
- Checking rise & growth of rogue nations and non-state actors through collective action
    - Nuclear armament, (state-sponsored) terrorism, human trafficking, organ trafficking

Conflict of Interest

- Situation in which a public employee has a private personal interest sufficient to influence or appear to influence the objective exercise of their official duties
    - More than economic matters
- Defn by Transparency Int'l: situation where an individual or an entity for which they work, whether a govt, business, media outlet or civil society organisation, is confronted with choosing b/w duties and demands of their position and their own private interests
- OECD: 3 types of conflict of interest
    - Actual: direct conflict b/w public official's current duties and responsibilities and pvt interest
    - Apparent: where it appears that private interests could improperly influence the performance of their duties but this is NOT in fact the case
    - Potential: pvt interests that could emerge as a conflict of interest if officials became involved in relevant official responsibilities in the future
- Encompasses
    - Bribery
    - Influence peddling
    - Info peddling
    - Financial txns
    - Gifts and entertainment
    - Outside employment
    - Future employment
    - Dealing with relatives

Civic virtue

- Morality or a standard of righteous behaviour in relation to a citizen's involvement in a society

Challenges	Solutions
- Growing individualism - Changing notions of civic virtues -- leaving void in actual practice - Competition for limited resources - Lack of trust b/w public organisations and people - Subordination of public interest over personal interest - Difficulties in bringing about changes in behaviour and attitude	- Promote civic education - Lead by example - Influential people - Awareness about rights and duties

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Foundational Values

15 January 2021 11:55

Definition of values involved

Sympathy	- Acknowledging another person's emotional hardships and providing comfort and assurance
Empathy	- Understanding what others are feeling. - Either because we've felt that ourselves or we can stand in their shoes
Compassion	- Not only feel empathy but also a desire to help alleviate the suffering of the other person. Emphasis on action
Justice	- Fair, moral and impartial treatment of all persons.

Definition

- Values are set of standards, on the basis of which we judge things as right or wrong
- Contextual to culture, time
- Can be arranged in hierarchy
- Types
    - End-oriented
    - Means-oriented

Need

- To uphold public interest
    - Special obligations
    - Responsible for managing resources entrusted by the nation
- To meet expectations reposed in the office
    - Reflect the policies of the govt of the day & governance standards
    - Standards: professionalism, responsive, impartiality
- To uphold the constitution, its laws and underlying values
    - Guided by them in discretionary decisions
    - Related: Vineet Narain Case by Justice JS Verma

Ethical norms

Set of ethical norms

- Central Services (Conduct) Rules, 1964
- Analogous rules applicable to members of All India Services/ employees of state govts
- Draft Public Services Bill, 2007
    - Values of Public Service
        - Patriotism and upholding national interest
        - Allegiance to constitution and law of the nation

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        - Objectivity, impartiality, honesty, diligence, courtesy, transparency
        - Absolute integrity
- Constitutional Values
    - Sovereignty
    - Socialism
    - Secularism
    - Democracy
    - Republic
    - Justice
    - Equality
    - Fraternity
- ***Nolan Committee*** 7 principles
    - Selflessness
    - Integrity
    - Objectivity
    - Accountability
    - Openness
    - Honesty
    - Leadership
- 2nd ARC

Major Foundational Values

Integrity

- Being honest & having strong moral principles that one refuses to change
- Determination not to lower one's moral standards
- 3 step process of adherence to principles
    - Choosing the right code of conduct
    - Acting consistently with the choice
    - Open declaration of where one stands

- Honesty vs integrity
    - Can be honest without integrity but not vice versa

Honesty	Integrity
Holding the facts as they are	Harmony of thoughts and behaviour
Choosing not to lie, steal, cheat or deceive in any way	Honesty + living & doing the right thing at all times

- Types of integrity
    - ***Moral*** integrity
        - Consistency in standards one uses in judging others as well as oneself
        - Most comprehensive
    - ***Professional*** integrity
        - Upholding code of ethics, standards, norms and values of respective profession
        - Weaker than moral integrity
    - ***Intellectual*** integrity
        - Ambiguous between integrity of intellect and integrity of the intellectual
        - Broad: integrity of intellect: too general
        - Specific: integrity of the intellectual: integrity as an academic's virtue

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        - Honesty, impartiality, respect for facts, openness to criticism, courage, fairness, sensitivity, perceptiveness/ insightfulness, intellectual humility, perseverance, adaptability, communicativeness
    - Manifestations
        - Being against plagiarism, refusing to suppress counterarguments, consistently acknowledging help
- ***Artistic*** integrity
    - Integrity displayed by artist toward his/ her work
    - Judgement about artistic integrity doesn't absolve artist for lack of personal/ moral integrity

- Inculcating integrity
    - Through model learning
        - Mentoring by honest officer
    - Reward and punishment
        - Carrot and stick policy
    - Sensitivity training
        - Role plays
    - Code of ethics and code of conduct
        - 2nd ARC: code of ethics for all depts that all participants have to follow, reports evaluated by dept head
- also see

Impartiality

- Principle of justice
- Decisions should be based on objective standards, rather than bias/ prejudice/ benefitting one side over another for unsuitable reasons

For civil servants

- Political impartiality
    - Serving govts of different political persuasions equally well, irresp of personal opinion
    - Act to deserve and retain confidence of ministers
    - Comply with any restrictions laid down with regard to political activity
    - Not obligated to defend 'views' of ministers
    - Must implement 'decisions' with utmost objectivity, impartiality, to best of their abilities
- Public impartiality
    - Carry out responsibilities in fair, just, objective and equitable manner
    - Derived from values of merit, equality, justice, enshrined in Constitution

Examples

- N Ravi - interlocutor in NE insurgency negotiations b'cos of impeccable records of impartiality. Led to landmark framework agreement b/w Nagas & Govt in 2015
- Poonam Malakondaiah, Andhra - agriculture commissioner - dragged MNC seed company Monsanto to MRTP Commission - led to reduction of BT Cotton seed prices
- Manoj Nath, IPS Bihar - refused to fulfil political whims, transferred 39 times in 40 year career; superseded thrice by junior officers

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- Ashok Khemka
- Brahma

Non-partisanship

- Aka political neutrality
- Narrower concept than impartiality
- Officer must perform duties without any fear or favour to any political party, despite strong faith in any political thought
- Values of administrators flow from the constitution, not from political party's philosophy
- Why needed?
    - Brings credibility and trust wrt functioning of public service
    - Civil servants become gutsy, not just capable -- can ask relevant questions wrt policy, law, etc.
        - Capability: do things correctly
        - Gutsy: does the right things
    - Equality, justice among different sections of society
    - Ensures morale, effectiveness, efficiency of civil services
- How is it ensured?
    - Central Civil Services Conduct Rules, 1964
    - All India Services Conduct Rules, 1968
    - Code of Ethics, 1997

Neutrality

- With specific reference to relationship between civil servants and govt/ politicians
- Functioning with political sterilisation -- unaffected by political changes
- Politics-administration dichotomy
    - Policy making is prerogative of political executive
    - Civil servants meant to implement that policy without questioning
    - -- must not hesitate in providing honest opinion though
    - -- job NOT to be a 'Yes-man' or 'committed bureaucrat'

- Types
    - Passive neutrality
        - Public official does anything political executive orders to
        - Could violate legal/ constitutional provisions
        - Eg. Nazi bureaucracy
    - Active neutrality
        - Official acts according to constitution, rules, laws, office manual
        - Doesn't follow any political party
        - Leads to civil service activism

- Committed bureaucrat
    - Positive take:
        - Committed to objectives of the state & constitution
        - Faith in program and intention of political executive
        - Need not be partisan
        - Empathy to understand the mind of political master
        - Must give technical advice in accordance with political philosophy of ruling party

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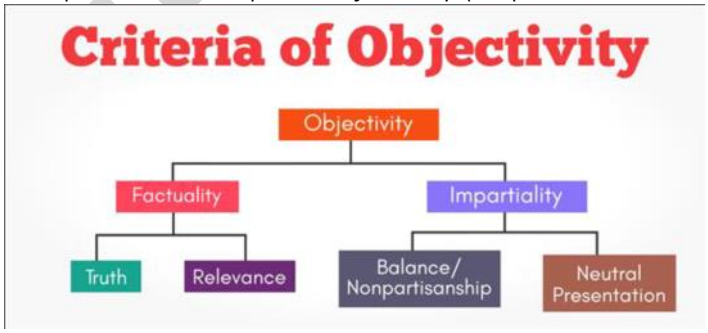
    - Negative take:
        - Politicised bureaucracy
        - Administrative system functions only to serve narrow interests of political party in power
    - Mostly term used with negative connotation

- Areas of conflict
    - Implicit demands of a committed bureaucracy on change of govts
    - Lack of societal consensus on goals, path of development
        - Leads to ad hoc-ism
        - No clear direction to permanent executive
        - Political processes begin encroaching on space meant for civil servants
    - Pressure from political executive to violate rules
    - Absence of shared belief system
        - Civil services mostly from urban middle class
        - Political executive more diverse backgrounds
        - Differences manifest in styles of living, mode of communication, perspectives, mannerisms
    - A former PM (Lal Bahadur Shastri ?) said: 'in developing countries, to be genuinely neutral, civil servants must take side of the poor.'
- Quotes
    - 'hottest place in hell reserved for those who remain neutral in times of crisis' - _Dante_

Anonymity

- Permanent executive works from behind the screen
- Must avoid public gaze
- Linked to permanence and neutrality
- Ministerial Responsibility: conventional for minister to accept responsibility for actions, decisions of members of their department

Objectivity

- Being guided by evidence
- Considering an event will be closer to truth the more supporting evidence it has
- Rational, empirical, antithetical to subjectivity
- Complete vs incomplete objectivity (elephant and blind men example)
- 

- Why needed?
    - ***Weber's Legal-Rational Authority***
        - Public office enjoys legitimacy, public trust because its responsibility and authority are not arbitrary
    - Nolan Committee

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    - 2nd ARC
- How to ensure
    - Functioning based on some written rules, regulations, laws to eliminate/ reduce discretions
    - Discretionary decisions must be based on facts rather than personal beliefs, other considerations
- How to develop?
    - Transparency
    - IMS Information Management System: to record and document incidents, information and statistics
- Managing conflicts of interest
    - Deter favouritism & nepotism
    - Merit-based decision making
    - Strengthen emotional intelligence
    - Touchstone for auditing
    - Enable political neutrality & impartiality
- Over-objectivity not always possible
    - Constitution - not completely objective
    - Other considerations -- equity, fairness

Dedication to public service

- Dedication is commitment with passion and personal urge to do something, without any external formal instrument to enforce that urge
- Commitment: formally obliged/ bound
- Dedication: guided by sense of duty, inspired by ideals
- ***Kant'***s maxim: *Duty for the sake of duty*
    - Duty itself becomes one's end
- Dedication is an aptitude, with an internal motivation component

Empathy

-

- Understanding another person's condition from their perspective
- Sympathy: instinctive, largely cognitive aspect
- Empathy: emotions + cognitive aspect
    - Can't empathise with abstract/ detached feeling
- Empathy is stronger attitude than sympathy; better indicator of behaviour
- Eg. Climate change -- developed ctries sympathetic to dvping ctry problems rather than empathetic; led to slow progress in implementing measures, provision of adequate climate finance

- Why?
    - To break prejudices, enhance effectiveness of bureaucracy
    - Improve emotional intelligence and decision making

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    - Improve social cohesion and inclusivity

- Inculcating empathy
    - Sensitivity training
    - Open conservation
    - Sarvadharma sambhaav
    - Art and literature
    - Cultivation of interest in other cultures

Tolerance

- Fair and objective outlook towards those with different lifestyles/ choices than oneself
- Midpoint between prohibition and acceptance
- Allowing people to exercise their rights, religious or constitutional
- Exercise of restraint in sensitive matters
- Jainism - Sayadvaada: every view is correct from its own perspective; no particular view is absolutely correct

- Why?
    - Essential for lasting social peace
    - Encourages freedom of expression
        - Prevent status-quoist, decadent society
        - Perusal of truth -- progress
    - Uphold the moral worth of every individual
        - JS Mill - all individuals have equal moral worth
    - Human development facilitated
    - Paves the way for justice, impartiality, objectivity
- How to?
    - Sensitivity training
    - Promote sarvadharma sambhaav
    - Developing empathy for others

Compassion towards Weaker Sections

- To suffer together
- Buddhism -- 'karuna'
- Compassion = empathy + desire to help
- Empathy is an internal feeling while compassion moves outward
- 5 elements of compassion
    - Recognise the suffering
    - Understand the universality of human suffering
    - Have consideration for person(s) suffering
    - Tolerate uncomfortable feelings
    - Be motivated to take action
- Importance
    - Agents of change
    - Compassion usually accompanied by traits like generosity, kindness, understanding
    - Helps one lead with head as well as heart
    - Ensures people-centric, humane, accommodative administration

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    - Facilitates better understanding of ground realities and grass root problems
- How to?
    - Awareness about life and living conditions of powerless
    - Enhancing sensibility by valuing others' life and understanding their perspective
    - Following universal values
        - Eg. 4 Noble Truths of Buddhism
            - Existence of suffering, cause, end, path that leads to its end, etc

Miscellaneous Values

- Serving the public interest:
    - Maintain, strengthen public's trust and confidence in govt
    - Demonstrate highest standards of professional competence
    - Efficiency, effectiveness, uphold Constitution & laws
    - Seek to advance public good at all times
- Legitimacy
    - Power and authority should be exercised legitimately, impartially and w/o fear or favour, for its proper public purpose as determined by Parliament
- Fairness
    - No bias or prejudice
    - Accounting for merits of the matter
    - Respect rights of affected citizens
- Courage and bravery
    - Can take transformational steps only if they have courage to accept the responsibility of failure
- Responsiveness
    - Timely manner, with care, respect and courtesy
    - Responsive to new opportunities and challenges that arise
- Efficiency & effectiveness
    - Avoid waste, extravagance in expenditure and use of public assets
- Innovativeness and creativity
    - Use of ICT
    - Ecology based administration
    - Adapt to circumstances of advancing technology, engage in pre-emptive policy making
- Fortitude
    - Courage in pain or adversity
    - Having courage over a long period
- Perseverance & tenacity
    - Continued effort and determination
    - Despite difficulties and delays
- Resilience
    - Quality to recover quickly and bounce back
    - Individual's ability to adapt in the face of crisis
    - Return to pre-crisis status quickly
    - Better prepared for next time
    - Dissect causes of failure, develop mechanism to incorporate negative feedback to improve future decisions

Consequences of Erosion of Values

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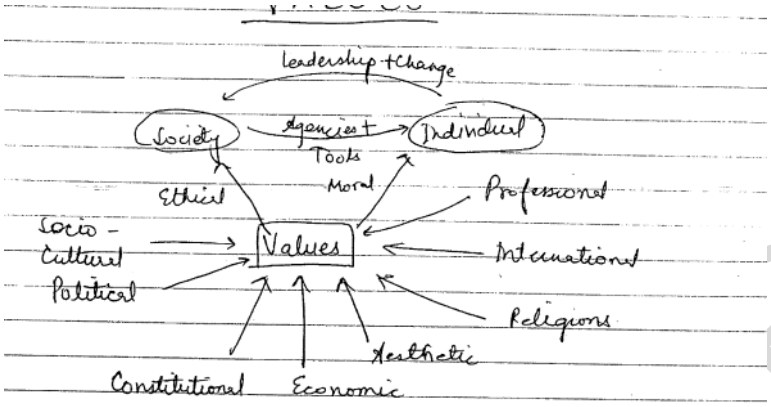
- Corruption
- Administration unresponsive to public needs
- Destruction of meritocracy
- Reduced popular trust in public services



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Attitude

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Definition:

- learned and enduring predisposition to behave towards something, in a favourable or unfavourable way
- 2 participants
    - Subject: attitude 'of' -- one holding the attitude
    - Object: attitude 'to' -- towards which attitude is being held;
        - Could be event, person, object, class of events/ persons/ objects, etc.

Characteristics:

- Abstract construct
- Lasting evaluation
- Acquired through socialisation
- Expressed verbally as well as non-verbally
- Shapes perceptions & influences overt behaviour
- Changes with experiences and knowledge
- Rigid/ dogmatic vs. Strong attitude
    - Strong attitude formed w/ knowledge & experience; grounded in rationality
- Can be ambivalent towards an object

Values vs attitudes

Values	Attitudes
Moral principles/ ethical standards of behaviour	Opinions/ stance about certain subject matter/ person
Part of person's character	Part of person's personality
Showcases moral ethics & overall character	Highlights behaviour through personality
Influenced by family, friends, culture, religion, social interactions	Directly influenced by personal values
Moral ethics	Can be positive or negative

Structure

- CAB Model
    - **Cognitive** component: beliefs, thoughts, attributes associated w/ object
    - **Affective** (emotional) component: feelings/ emotions linked to object
    - **Behavioural** component: past behaviours or experiences regarding the attitude object
    - Critique:
        - Not empirically validated
        - Requires all 3 components to be valid -- implausible
- MODE Model
    - **Motivation** and **Opportunity** as **Determinants** of Attitude-Behaviour relation
    - Explicit
        - at conscious level
        - deliberately formed

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- Implicit attitudes
  - at subconscious level
  - involuntarily formed
  - More likely to affect behaviour under stress/ distraction when spontaneous reaction occurs

Functions

- Instrumental function
  - To obtain satisfaction from the object
  - Eg. A frequented restaurant
    - civil
- Ego-defensive function
  - Protection against internal conflicts and external dangers
  - Eg. Inability to use an object is attributed to the manufacturers making the object too complex
- Value-expressive function
  - For self expression
  - When attitudes expressed are against the generally held opinion
  - Eg. Radical political viewpoints
- Knowledge function
  - To seek clarity and order
  - Belief: knowing likes and dislikes makes decision making easier
  - Eg. ___

Broad Classifications

- Positive vs Negative vs Neutral
  - Positive
    - Constructive thinking
    - Motivation, energy to accomplish things
  - Negative
    - Criticising
    - Disappointment, Condescending
  - Neutral manifestation
    - Ignorance
    - Indifference
    - Detachment
    - Unemotional
    - Balanced
- Democratic vs Bureaucratic
  - Democratic: focus on goals/ ends; citizens as stakeholders
  - Bureaucratic: focus on rules/ processes; citizens as recipients

Types of Attitude

- Moral Attitude
  - Attitudes based on moral convictions of right and wrong
  - Reasoning about morality, attitude towards moral lapses, behaviour when faced w/ moral issues
  - Shaped by CAB model
  - Strongly influenced by society and culture
    - Implicit messaging in religious beliefs, traditions, folklore, myths, legends

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- Vary spatially and intertemporally
- 4 associated qualities
  - Reverence - for others, opinions, behaviour
  - Faithfulness - loyal
  - Veracity/ truthfulness - honesty
  - Goodness - generosity, love, care, empathy, etc
- Can be facilitative or prohibitive

- Political Attitude
  - 2 levels:
    - Attitude towards political system, parties or ideology
    - Attitude towards specific issues of public life
    - Better to study political attitudes wrt specific issues rather than broad categories
  - Significance
    - Determines how people participate in the political process
    - Development of political judgement represents part of moral development
    - Political culture determines value system in the society

- Attitude towards weaker sections
  - Character revealed by how one treats those who are not in a position to either retaliate or reciprocate
  - Determined by attitude towards poverty, deprivation, discrimination, factors perpetuating such conditions
  - Significance for civil servant
    - Just and fair
    - Transparency
    - Acting without fear or favour
    - 'Sarvodaya through Antyodaya'
    - Tolerance & compassion
    - Empathetic attitude m

- Prejudice
  - Baseless, often preconceived, mostly negative, preconceptions
  - Can translate into discrimination (behavioural component)
  - Measures
    - Specific strategies required to change cognitive and emotional component
    - Law only acts on behavioural component
    - Important to know cause, source of prejudice
    - Minimise opportunities for learning prejudices
    - De-emphasise narrow social identity
    - Discourage tendency towards negative behaviour among victims of prejudice; 'cos it reinforces prejudice
  - Way forward
    - Correcting stereotypes through education, information dissemination
    - Direct communication - increasing inter group contact
    - Removal of mistrust
    - Highlighting individual identity; weakening importance of group as basis of evaluation

Attitude Formation

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- Modes
    - Classical Conditioning
        - Repeated exposure to a stimulus over a prolonged period
    - Instrumental conditioning
        - Using system of rewards and punishment
    - Social learning
        - Through observation
- Agencies of attitude formation
    - Family
    - Peer group
    - School or education institutions
    - Role models

Attitude Change

- = changing someone else's perception
- Modes
    - Persuasion
    - Social Influence
- Formation and change of attitude are NOT separate, but interwoven
- Acceptance of new attitudes depends on
    - Who - communicator
    - How presented
    - How perceived
    - Credibility of communicator
    - Conditions under which info was received
- Manifestations of attitude change
    - Cognitive change
        - New info received from others or media
    - Affective change
        - Through direct experience with attitude object
    - Behavioural change
        - Forcing one to behave in a way different than normal

Persuasion

- Umbrella term of influence
- Acts on beliefs/ attitudes/ intentions/ motivations/ behaviours
- Using written or spoken words to convey info, feelings, reasoning or a combination
- Classifications
    - Systematic: appeals to logic and reason
    - Heuristic: appeals to habit or emotion
- Factors affecting persuasiveness of message
    - Target characteristics - self esteem, intelligence, etc
    - Source characteristics - expertise, trustworthiness, interpersonal attractiveness, etc
    - Message characteristics
        - Eg. Nomenclature of missions in India

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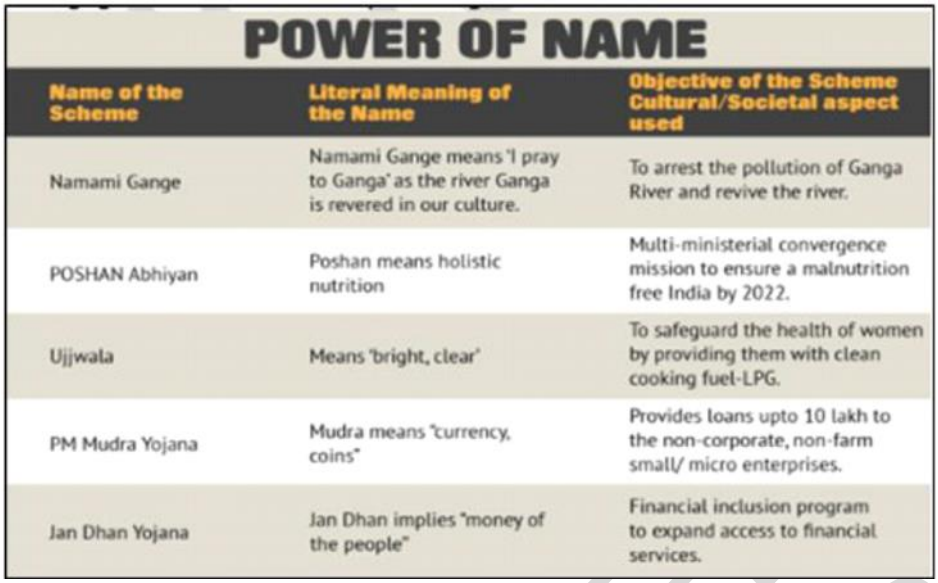
- 

POWER OF NAME		
Name of the Scheme	**Literal Meaning of the Name**	**Objective of the Scheme Cultural/Societal aspect used**
Namami Gange	Namami Gange means 'I pray to Ganga' as the river Ganga is revered in our culture.	To arrest the pollution of Ganga River and revive the river.
POSHAN Abhiyan	Poshan means holistic nutrition	Multi-ministerial convergence mission to ensure a malnutrition free India by 2022.
Ujjwala	Means 'bright, clear'	To safeguard the health of women by providing them with clean cooking fuel-LPG.
PM Mudra Yojana	Mudra means "currency, coins"	Provides loans upto 10 lakh to the non-corporate, non-farm small/ micro enterprises.
Jan Dhan Yojana	Jan Dhan implies "money of the people"	Financial inclusion program to expand access to financial services.

    - Cognitive routes
- Functions/ goals and when appropriate?
    - Create uncertainty
        - Strongly opposed audience
        - Now little less comfortable w/ current attitude
    - Reduce resistance
        - Moderately opposed audience
        - Not closed minded though
        - Potentially move them towards neutrality
    - Change attitude
        - Uncommitted audience, especially strongly
    - Amplify attitude
        - Moderately favourable audience
        - Reinforces current attitudes
        - Help resist appeals from opponents
    - Gain behaviour
        - Strongly favourable audience
        - Convince them to act on convictions
- Steps
    - Establish credibility -- expertise, relationships
    - Framing common goal with colleagues
    - Reinforce positions with vivid language & compelling evidence -- stories, graphs, images, metaphors, examples
        - Fight against ***failure bias*** -- failures more visible; tendency to focus on failures rather than successes
        - #SelfieWithDaughter under Beti Bachao Beti Padhao
    - Connect emotionally with audiences
- Effective persuasion
    - Common ground and positive rapport
    - Points out benefits while avoiding trying to push for the change
    - Turn objections into strengths -- agree with objections then show how they can be overcome easily
    - Commitment and consistency -- start with baby steps
    - Innate appeal of rationality
    - Reciprocity principle
        - When someone does something for us, we are obliged to return the favour
        - Eg. Populist measures on the eve of elections

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- Social proof technique
    - Bandwagon effect, especially in case of insufficient information
    - Use empirical evidence from other groups to convince target audience
    - Evokes both public and private acceptance
    - Eg.
        - Cite female sportspersons against female foeticide in Haryana
        - SBM
        - Beti Bachao, Beti Padhao
- Scarcity
    - Tell audience they stand to lose on a chance to get benefits out of proposed change

Social Influence

- When one's emotions, opinions, behaviours are affected by others
- 3 broad varieties
    - **Compliance**: appearance of agreement; dissenting views kept private
    - **Identification**: influence of someone liked and respected
    - **Internalisation**: both public and private agreement
- Forms:
    - Conformity
        - 2 Psychological needs
            - to be right (informational social influence)
                - Works in ambiguous situations
                - Eg. Social proof technique
            - to be liked (normative social influence)
                - Inherently social beings
                - Desire for companionship/ associations
    - Socialisation
    - Peer pressure
    - Obedience
    - Leadership
    - Persuasion
- Attitude change not necessary; only behavioural change needs to occur
- Goals of social influence
    - Choose correctly
        - Authority
        - Social validation
        - ➢ Only uncertain people likely to follow the crowd; those sure of validity of their judgements less willing to conform
    - Gain social approval
    - Managing self image
- When does social influence work
    - When people are uncertain about response to a situation
    - When others share a consensus about the right way
    - Observing those similar to themselves
    - Public observability of actions
    - Appeal of the group/ individual pushing for change

Role of Emotions

- Appeal to emotions as a tool for attitudinal change
- Found in advertising, health campaigns, political messages
- Emotional attitude vs appeal to emotions for attitude change

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    - Emotional attitude: attitude developed primarily by emotion
    - Appeal to emotion: method to develop desirable attitude; use of persuasive language preferred over facts
- However appeal to emotion made using wishful thinking becomes a logical fallacy; doesn't last long
- Eg.
    - No smoking campaigns (involving family)
    - Political campaign emphasising fear of terrorism
    - Motivate to stay fit using fear of deadly diseases

Consequences of Social Influence/ Persuasion

- Ugly influencers -- push and shove others into decisions
    - Mis-selling of financial instruments
    - Duping customers using fake claims
- Bad persuasion
    - Legitimate and desirable goals; but lack the skills to influence effectively

Persuasion vs Manipulation

- Difference in
    - underlying intent
    - Truthfulness, transparency of process
    - Net benefit/ impact of that person
- Manipulation
    - Persuasion with intent to fool, control, contrive the other person
    - Concealing a desire to convince them in a way that benefits only oneself
    - Disclosure of this desire could make the target far less receptive

Relation with Thought and Behaviour

- Since attitudes also include predisposition to act in certain ways, they can be predictors of behaviour
- Empirically
    - La-Pierre's study:
        - Behaviours drive attitude, not other way round
        - People's expressed attitudes hardly predict varying behaviour
- Factors determining attitude as predictors
    - Attitude strength
        - Importance/ personal relevance
        - Knowledge aspect
        - Formed through direct experience or indirectly
    - Stability of attitude
    - Accessibility
        - Availability of attitude to mind
        - Attitude holder conscious of CAB components
    - Specificity
        - Surety about likes/ dislikes rather than hazy/ multiple attitudes
    - Congruence
        - Consistency among different components of attitude
        - Manasa, vacha, karmana

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Why is it difficult to change behaviour in Indian society?

- One of the oldest cultural traditions in the world
    - Strong beliefs and practices
- Hierarchy
- Many wrong behaviour part of social norm
- Common citizen doesn't have emotional connection with chief agent of change -- the govt

Breaking down Swachh Bharat Mission

- Role model: Gandhi
- Date chosen to leverage values propagated by Gandhi
- Swachhagrahi influenced by Satyagrahi
    - Worked at local level
- Role of context in influencing choices & decisions emphasised by behavioural science
- Community based approach
    - Participatory Rural Appraisal
    - Community-led Total Sanitation
    - Sanitation became community level concern rather than obscure campaign of a distant govt
        - Non conformers now visible to public scrutiny
    - Eg. Bikaner: Nigrani groups each morning to shame non-conformers; payments for toilets after entire village achieves and maintains its ODF status
- Appeal to emotions
    - Internalisation works better with emotional aspect
    - Instead of hygiene, association with disgust

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Aptitude

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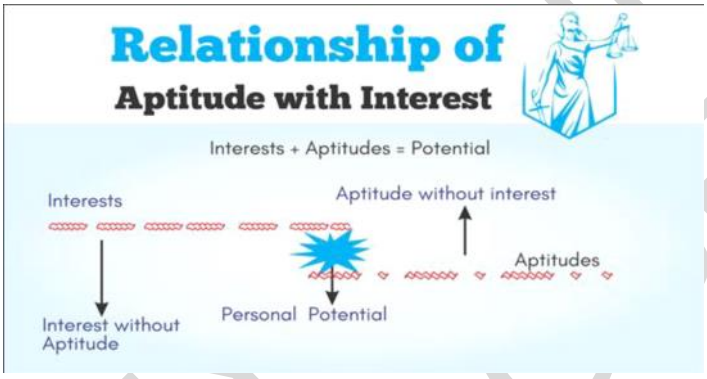
Definition

- Combination of abilities and other characteristics, whether native or acquired, known to be indicative of an individual's ability to develop proficiency in certain particular area
- Refers more towards sum total of experiences, than simply 'by birth'
- 2 categories
  - Physical aptitude
  - Mental aptitude
    - General mental ability
    - Value orientation
- Proficiency: ability to perform an activity with ease and precision
- Achievement: what has been done, accomplished in the past
- v/s Skill
  - Skill is acquired and constantly upgraded through training and learning
- v/s interest



  -
- v/s Ability
  - Ability = aptitude + achievement
- v/s intelligence
  - Intelligence: ability to think rationally, act purposefully, deal effectively in one's present environment
  - Wider scope than aptitude
- v/s attitude

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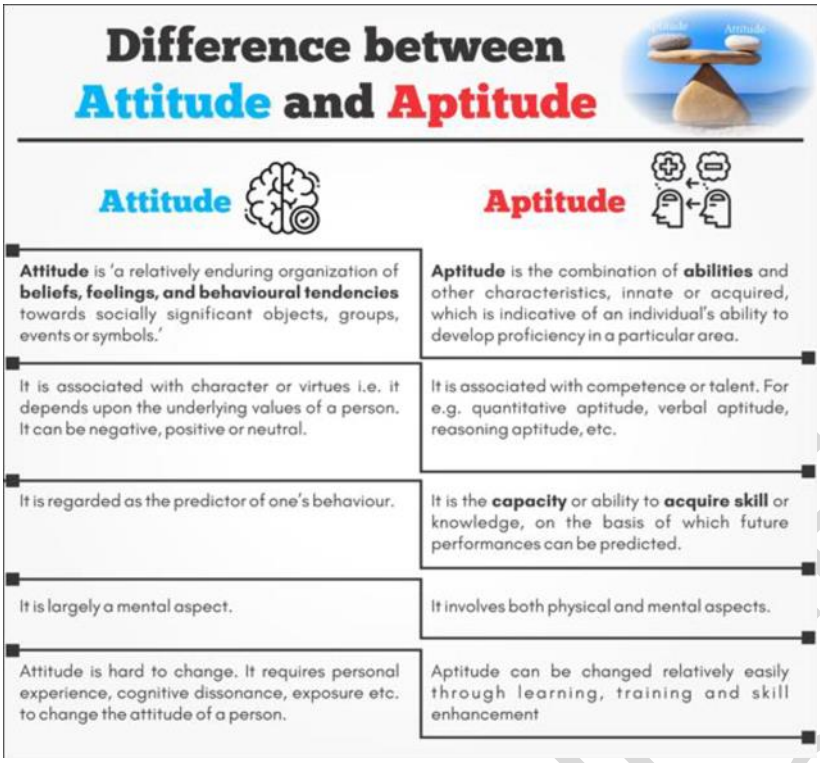

- v/s values
  - Value denotes degree of importance of some thing or action, with the aim of determining what actions are best to do or what way is best to live
  - Influences attitudes and behaviour
  - Aptitude concretely exists in the form of desired values in a person

Aptitude for Civil Services

- Intellectual aptitude
  - Means oriented aptitude
  - Civil servant thinks rationally, acts purposefully, deals effectively with their environment
- Emotional aptitude
  - Behaviour oriented aptitude
  - Ensures effective conduct with colleagues, subordinate, public at large
- Moral aptitude
  - End-oriented aptitude
  - Includes foundational values
  - Efficiency + effectiveness + uphold public interest

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Emotional Intelligence

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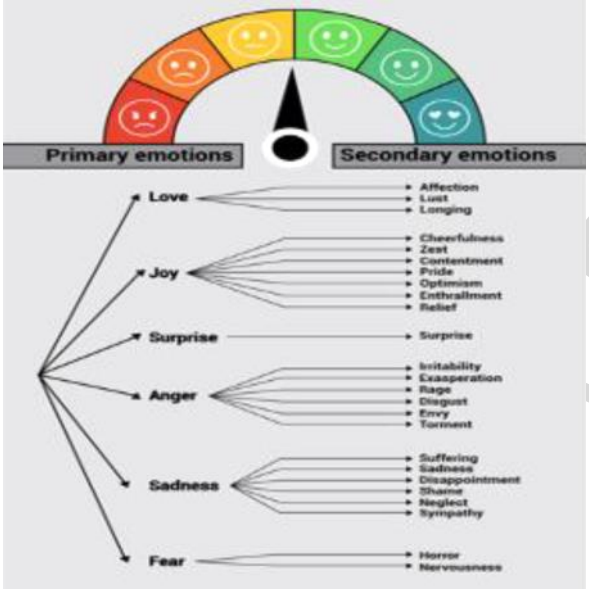
Emotions

- Intense subjective feelings
- Emotional expressions
- Ability to understand emotional information
- Discrete, consistent responses to internal or external events
- Biologically given

Structure of Emotions

- Physiological changes within our bodies
- Subjective cognitive states
- Expressive behaviour

Classification



Primary emotions:
- Direct emotional reactions to a situation

Secondary emotions
- Emotional response to a primary emotion

Positive emotions
- Open up new possibilities
- Build up our personal resources

Negative emotions
- Associated with actions that probably helped our ancestors survive
- Can also be valuable and constructive

Intelligence

- Capacity of individual to think rationally, act purposefully, deal effectively with their environment
- Component abilities
  - Learn from experience
  - Adapt to new situations
  - Understand and handle abstract concepts
  - Use knowledge to manipulate one's environment
- Emphasis on some cognitive energy as ultimate ground of intelligence
  - Memory, attention, language, problem solving, planning
- Traditionally, negative relation assumed between emotions and intelligence
  - ***Mayor & Salovey*** discarded this in their concept of Emotional Intelligence

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Social Intelligence

- Ability to get along well with others
- Aka 'people skills'
- Includes awareness of
  - Situations
  - Social dynamics governing these situations
  - Knowledge of interaction styles
  - Strategies that can help one achieve their objectives in dealing with others
- Also includes self insight + consciousness of one's own perceptions and reaction patterns
- Related: Gardner's theory of multiple intelligences
-

- Developed by assessing impact of one's behaviour on others

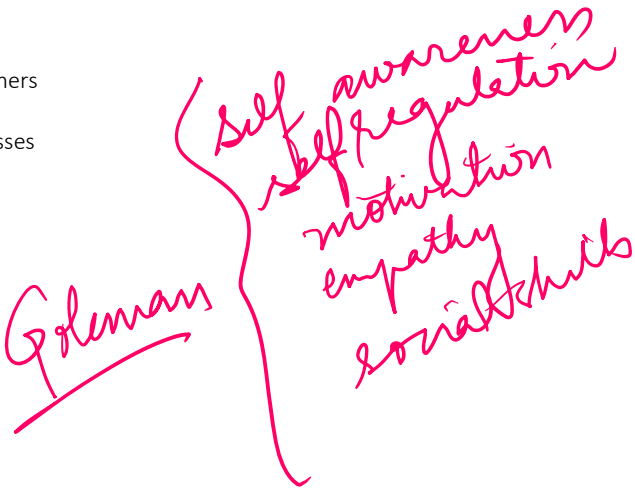
Emotional Intelligence

Evolution

- Till 20th century: intelligence as purely cognitive
- 1983: Gardner's theory of multiple intelligences
- 1990: 'Emotional Intelligence' defined by Mayer & Salovey
  - Form of social intelligence that involves *ability to monitor one's own and others' feelings and emotions, to discriminate among them and use this information to guide one's thinking and action*
- 1995: Goleman's book on applying emotional intelligence to business

Components of EI (***Goleman***)

- **Self awareness**
  - Understanding one's own emotions, their effect on others
  - Confident, candid
  - Can realistically talk about own strengths and weaknesses
  - Self-deprecating sense of humour
- **Self regulation**
  - Ability to control/ redirect disruptive impulses
  - Think before acting
  - Trustworthy
  - Comfortable with ambiguity
  - Able to suspend judgement
  - Open to change
- Motivation
  - Passion to work with energy & persistence
  - Driven, goal-oriented, optimistic
  - Committed to the organisation
- **Empathy**
  - Ability to understand emotional needs of others; treat them accordingly
  - 3 kinds
    - Cognitive empathy: ability to understand another person's POV
    - Emotional empathy: ability to feel what someone else feels
    - Empathic concern: ability to sense what another person needs from you
- **Social skill**
  - Proficiency, managing relationships, developing networks, building rapport, finding common ground, more persuasive



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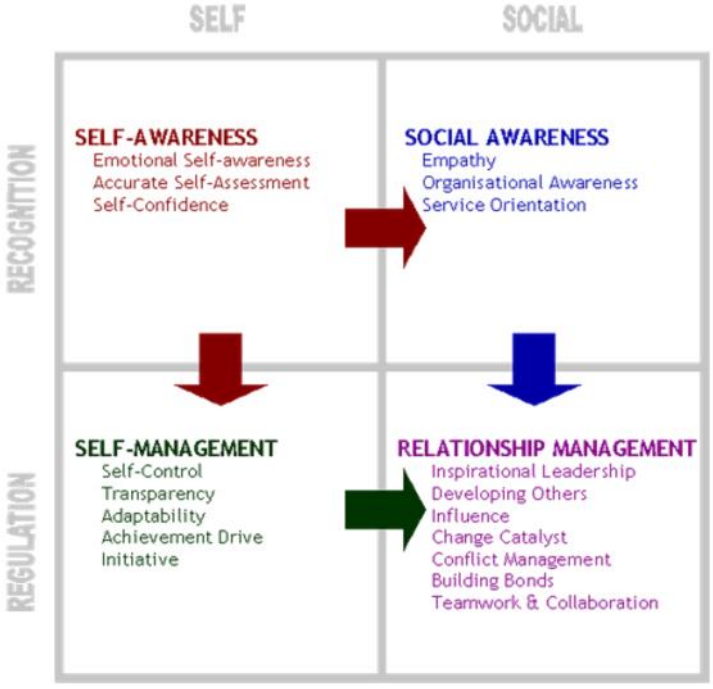
Mayor & Salovey

- EI is ability to channelize emotions for constructive purposes
- 4 branch model
    - Perceiving emotions
        - Recognise emotions + specifically categorise current emotional state, in oneself & others
    - Understanding emotions
        - Comprehend relationship between emotions, thought, behaviour
    - Using emotions to facilitate thought
    - Managing emotions
        - Ability to take responsibility for one's emotions
        - Converting negative emotions into positive ones
        - Generating desirable emotions in oneself and others, conducive to task at hand



Examples:

- Martin Luther King Jr. -- electrified message using emotional intelligence

EQ vs IQ

- EQ believed to be better indicator of success at workplace

Emotional Quotient	Intelligence Quotient
Measures how a person recognises emotions in oneself and others; manages them to work better as a team	Indicates a person's ability to learn, understand and apply information and skills in a meaningful way
Understanding emotions	Understanding information
High EQ = self confident, self aware, able to handle difficult emotional experiences	High IQ - able to learn certain subjects very quickly; can make connections between ideas that others miss
High EQ people can better recognise, control own emotions; recognise emotional states in others to adjust behaviour accordingly	Great academic success; struggle to find classes that may challenge them
Difficult to measure; EQ tests not developed until 1990s	Many high IQ people seem to be limited in terms of social skills, emotional recognition
EQ test difficult to design and administer; deals w/ information difficult to present as a numerical value ; subjective tests	IQ test: set of standard questions; test taker receives a score; developed around early 20th C

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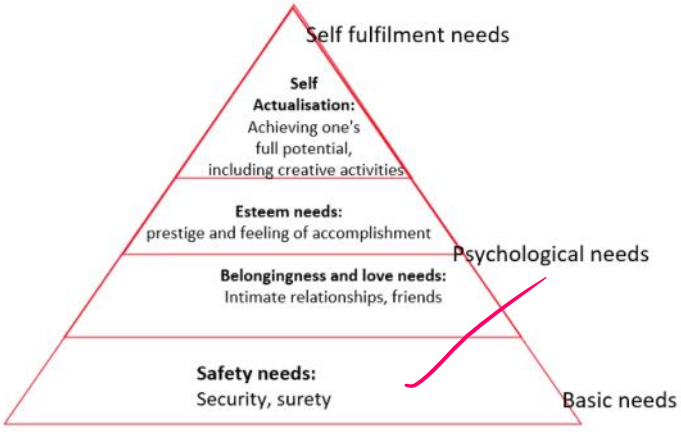
Importance of EI

Daniel Kahneman: people would rather do business with a person they like and trust rather than someone they don't, even if the likable person is offering a lower quality product or service at a higher price

Aspects:

- Profession - 'emotional work' - nursing, social work, service industry, management roles
- Relationship
- Health - manage emotions and stress
- Decision making - don't remove all emotions from decision making, only those irrelevant to it.
- Social harmony - can understand others' outrage or outburst -- avoid violent conflict, prevent communal issues, eradicate many social evils
    - Eg. Black Lives Matter Movement
- Differentiation b/w needs vs wants

Maslow's Hierarchy of Needs



Manifestations of EI

- Not perfectionists
- Balance work and play
- Embrace change more confidently
- Don't get distracted
- Empathetic
- Know own strengths and weaknesses
- Self motivated
- Don't dwell in the past
- Focus on the positive; feel confident
- Establish boundaries; can say 'no' to avoid feeling overwhelmed, burned-out or stressed
- Acting with integrity (integrity = consistency b/w thoughts and actions)
- Reduced stress levels
- Improved career prospects
- Improved communication
- Respected by others
- Benefit from criticism -- chance to learn; window into how others think even when unfounded criticism
- Increased creativity
- Fewer power games at workplace; increased cooperation and coordination
- Protect oneself from emotional manipulation and sabotage

Role in Administration and Governance

Traits in an administrator

- High self regard
    - Know one's strength, also capitalise on them
    - Know weaknesses and fill the gaps with better skilled people in those areas
- Maintain balance in life
    - Avoid burning out
- Model the way

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    - Walk the talk
    - Involves assertiveness and independence
    - Eg. ***IAS Pankaj Jain***, collector of Katni distt, sent her daughter to Anganwadi for preschool, even though could afford better
- Inspire a shared vision
    - Hit the right cord in terms of what other want to see and hear from us
- Challenge the process
    - Look for opportunities to improve & grow
    - Experiment and take risks
    - Eg. Abraham Lincoln - 13th amendment which abolished slavery
- Enable others to act
    - Foster collaboration
    - Build trust
- Stay composed under pressure
- Encourage others

Tips for leaders
- Balance thinking and feeling brain
- Create psychological safety
    - Accelerates performance
    - Make subordinates believe their vulnerabilities won't be exploited
- Welcome dissent
    - Diversity of thought
    - Constructive dissent
    - Creative abrasion
- Model empathy, remove risk of ridicule
    - Ridicule is fear inducing behaviour; triggers self censoring
- Invite challenges, prepare to be wrong

Dark side
- Manipulating others
- Inciting emotion - robs one of capacity to reason
    - Emotionally incited individuals less likely to scrutinise message
    - Eg. Hitler
- Personal gain - disguising one set of emotions while expressing another for personal gain
- Hidden cost - in jobs that don't require much emotions, high EQ leads to lower performance

Perspectives from Bhagwad Gita
- Attachment is the root of all misery
- The path to emotional stability is to remain unattached to the fruits of action
- Karmayogi: when one follows swadharma (obligatory duties) without expecting anything in return
- Best way to tackle conficts: uphold dharma without getting attached to fruits of one's action
    - Solution for ethical dilemma/ crisis of conscience

Quotes
- Mind is the greatest servant and terrible master
- When a man is prey to his emotions, he is not his own master. - Spinoza

Leadership

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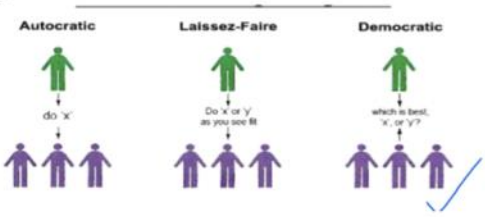
Leadership

- Responsibilities
  - Get the task done
  - Build the team
  - Meet individual needs
- Basic types
  - 

  - i.e. autocratic vs delegative vs participative respectively
  -

  - Transactional vs transformational

Transactional Leaders	Transformational Leaders
Leaders rely on standard forms of inducement, reward, punishment and a sanction to control followers	Leaders arouse emotions in their followers which motivates them to act beyond the framework of what may be described as exchange relations
Leaders are aware of the link between effort and reward	Leadership is proactive and forms new expectations in the followers
Leadership is responsive and its basic orientation is dealing with present issues	Leaders are distinguished by their capacity to inspire and provide individualised consideration, intellectual stimulation and idealised influence to their followers
Leaders motivate followers by setting goals and promising rewards for desired performance	Leaders create learning opportunities for their followers and stimulate followers to solve problems
Leadership depends on the leader's power to reinforce their followers for their successful completion of the bargain	Leaders possess good visioning, rhetorical and management skills, to develop strong emotional bonds with followers
Is short-term and hard data orientated	Leaders motivate followers to work for goals that go beyond self-interest
Relies on human relations to lubricate human interactions	Is preoccupied with purpose and values, morals, and ethics

- More styles
  - Servant leadership – Gandhi
  - Bureaucratic
  - Charismatic
  - Situational – leader behaviour varies with situation

Leadership theories

Successful Leaders	Effective Leaders
Employees respond to leader's position Power	Employees respond to leader's personal Power
Employees contribute to Organizational Goals	Employees perceive organizational goals as fulfilling personal goals also
Leaders affect actions of subordinates	Leaders affect attitude of subordinates
Leaders supervise the activities of subordinates	Leaders exercise general supervision where employees are motivated and take responsibility
Decisions are taken mostly at higher level	Leader makes every team member give their opinion and involves them in decision making
Successful in short term	Long term influence over subordinate's behavior

- Traits approach: people born with leadership traits

1) Gordon Allport's Trait Theory

- Gordon Allport categorized traits into three levels:

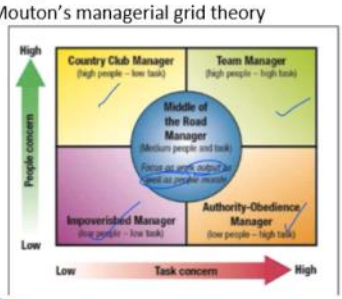
A. **Cardinal Traits:**
   - Dominate an individual's whole life.
   - The person becomes known specifically for these traits.
   - People with such personalities often become so known for these traits.
   - e.g.: hatred may have been a cardinal trait of Hitler.

B. **Central Traits:**
   - The general characteristics that form the basic foundations of personality.
   - While not as dominating as cardinal traits, are the major characteristics you might use to describe another person.
   - E.g.: intelligent, honest, shy and anxious are considered central traits.

C. **Secondary Traits:**
   - Traits that often appear only in certain situations or under specific circumstances.
   - E.g.: getting anxious when speaking to a group or impatient while waiting in line.

- Functional approach – focus on how leadership occurs
  - Action centred theory by John Adair

- Behavioural style approach – focus on what leaders actually do: task oriented vs people oriented
  - Blake Mouton's managerial grid theory



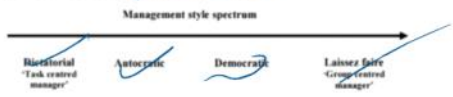
  - Lewin's leadership theory – 3 styles – authoritative vs delegative vs participative
  - Likert's leadership theory

Organisation of Variable	System 1 Exploitative Authoritative	System 2 Benevolent Authoritative System	System 3 Consultative	System 4 Democratic
1. Extent to which superiors have confidence and trust in subordinates.	Has no trust and confidence in subordinates.	Has condescending confidence and trust such as master has of servant.	Substantial but not complete confidence and trust, still wishes to keep control of decisions.	Complete confidence and trust in all matters.
2. Extent to which superiors behave so that subordinates feel free to discuss important things about their jobs with their immediate superior.	Subordinates do not feel at all free to discuss things about the job with their superior.	Subordinates do not feel very free to discuss things about the job with their superior.	Subordinates feel rather free to discuss things about the job with their superior.	Subordinates feel completely free to discuss things about the job with their superior.
3. Extent to which immediate superior generally tries to get subordinates' ideas and opinions and make constructive use of them.	Seldom gets ideas and opinions of subordinates in solving job problems.	Sometimes gets ideas and opinions of subordinates in solving job problems.	Usually gets ideas and opinions and usually tries to make constructive use of them.	Always gets ideas and opinions and always tries to make constructive use of them.

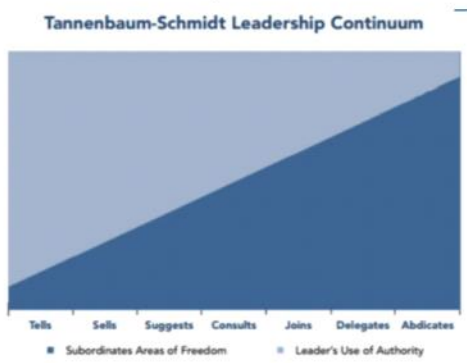
Likert – 4
Exploitative
Benevolent
Consultative
Democratic

Lewin
Authoritarian
Delegative
Participative

- Huneryager & Heckman 4 styles of mgmt



- Tannenbaum & Schmidt leadership continuum



Tell
Sell
Suggest
Consult
Join
Delegates
Abdicates

- Situational/ contingency approach
  - Fiedler's
    - Leadership style fixed for a given person; thus, we need different leaders for different situation
    - Leadership style – task-oriented vs relationship oriented
    - Situation
      - Leader's position of power – strong vs weak
      - Structured vs unstructured task
      - Leader member relations – good or poor

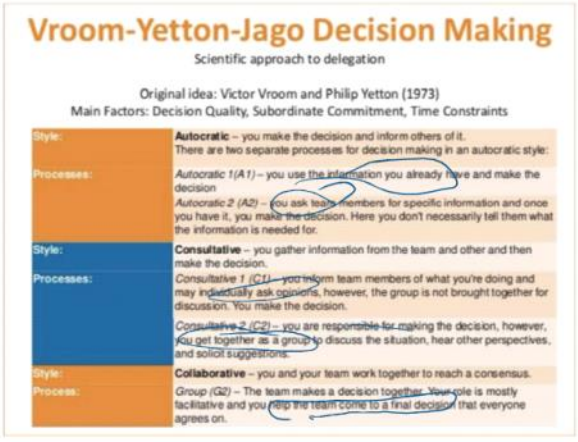
  - Hersey & Blanchard
    - 2 pillars:
      - Leadership style (4 – participative, tell, sell, delegate)

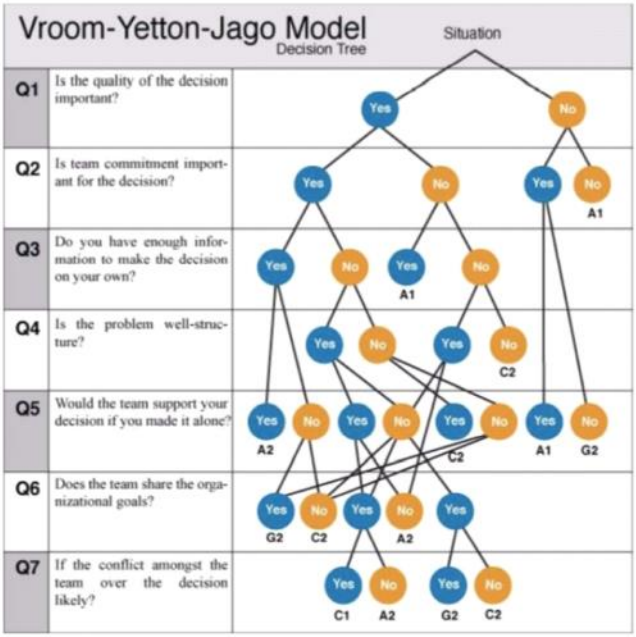
- Maturity of followers (4; one suited to each leadership style as tabulated)

- Robert House's path goal theory
  - Similar to above 2
  - 3 ways to get stuff done
    - Help in identification, achievement of goals
    - Clear away obstacles
    - Appropriate rewards
  - 3 pillars
    - Leadership style – directive/ supportive/ participative/ achievement oriented
    - Environment factors – task structure, work dynamics, authority structure
    - Employee factors – experience, ability, locus of control – internal vs external

Leadership Style	Subordinate	Environment
Directive	- Want Authority Leadership - External Locus of control - Low ability	- Complex or ambiguos task - Strong formal authority - Good work group
Supportive	- Do not Want Authority Leadership - Internal Locus of control - High ability	- Simple or structured task - Weak formal authority - No Good work group
Participative	- Want to be involved - Internal Locus of control - High ability	- Complex or ambiguos task - Strong or Weak formal authority - Good or No Good work group
Achievement-Oriented	- Want Authority Leadership - External Locus of control - High ability	- Simple or structured task - Strong formal authority - Good or No Good work group

- Vroom-Yetton-Jago decision making model of leadership
  - Aka participative model



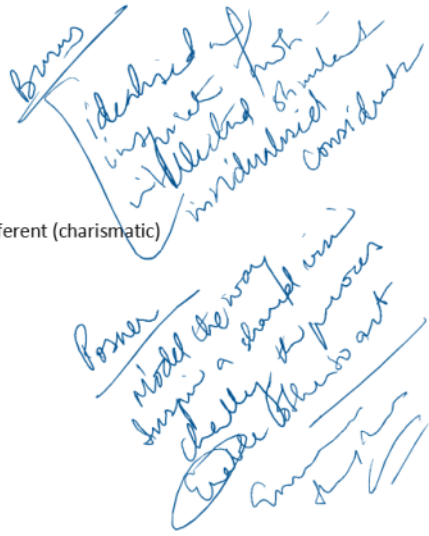


-
  - Cognitive Resonance Theory
    - Intelligence counts in low stress situations
    - Experience matters in high stress situations
    - For simple tasks, leader's intelligence & experience are irrelevant
    - Leader' intelligence makes a difference only if directive approach

Qualities	Situation	Performance	Situation	Performance
High Intelligence	High Stress	Poor	Low Stress	Good
Low Intelligence	High Stress	Good	Low Stress	Poor
Experienced	High Stress	Good	Low Stress	Poor
Less Experienced	High Stress	Poor	Low Stress	Good

- Transactional approach
  - Leader member exchange theory
    - Leaders don't treat all members equally
      - In group – closer to leader, given more responsibilities, better communication
      - Out group – less compatibility
    - This affects performance and employee/ team growth
    - 3 phases – role taking, role making sorting occurs here), routinisation
- Transformational approach
  - Burns
    - Leader and follower raise each other to higher motivation and morality
    - Appeal to social values encourages collaboration
  - Bass
    - Charisma necessary but not sufficient

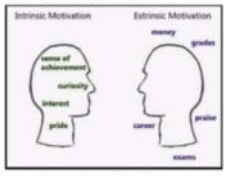
        - 4 components – idealised influence, inspirational motivation, intellectual stimulation, individualised consideration
        - 3 moral aspects – morality of leader, ethicality of vision/ program, morality of social action choice
    - Kouze & Posner – leadership partnership inventory
        - 5 characteristics of good leader
            - Model the way
            - Inspire a shared vision
            - Challenge the process
            - Enable others to act
            - Encourage the heart

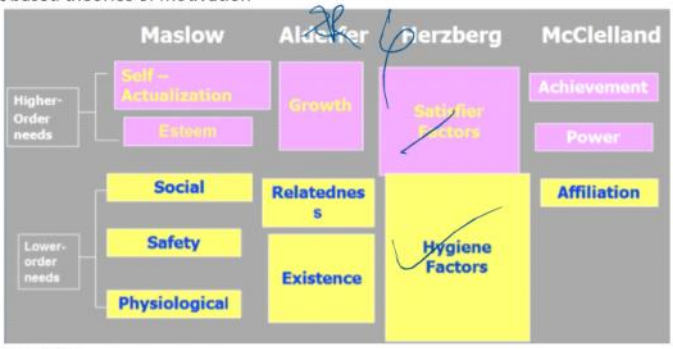


- Others
    - 5 types of power: coercive, reward, legitimate, expert, referent (charismatic)
    - 10 fatal flaws of leadership **
    - —

Motivation

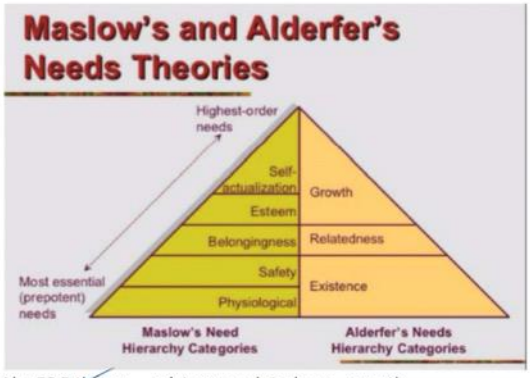
Motivation

- Process that initiates, guides and maintains goal oriented behaviour
- Types
  - Positive vs negative
  - Basic vs learned
  - Extrinsic vs intrinsic
    - 

- **Content** based theories of motivation
  - 

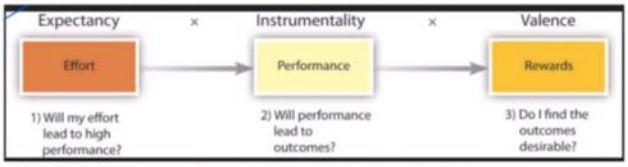
  - Maslow's
    -

    - 5 levels – bottom most essential, decreases upwards
    - Satisfaction progression – can move on to a higher level need only when a lower-level need is satisfied
      - Higher level needs are intrinsic motivators vs lower level needs are extrinsic motivators
  - Alderfer's hierarchy



-
  - Aka ERG theory – existence, relatedness, growth
  - More than one needs may be operational at a time
  - Frustration regression – owing to frustration due to non-satisfaction of a need, move to attainment of a lower-level need
- McClelland's theory of needs
  - People are driven by 3 motives: need for achievement/ power/ affiliation
- Herzberg 2 factor theory
  - Motivation factors vs hygiene factors
  - Motivation factors – satisfied vs not satisfied
    - Achievement, responsibility, work itself, recognition, advancement
  - Hygiene factors – dissatisfied vs not dissatisfied
    - Company policy, administrative policies, remuneration, salary, interpersonal relations, working conditions
- McGregor's theory X & Y
  - 2 types of managers differentiated by types of assumptions about others
  - Type X
    - People dislike work, try to avoid it at all costs
    - Need to be controlled, coerced, threatened in order to work
    - No ambition, dislike responsibility, prefer direction
    - People want security above all else
    - => authoritarian, use punishment to control
    - Assumes Maslow's lower level needs (extrinsic motivation)
  - Type Y
    - People naturally put in full effort into work or play
    - Self-directed and self-control
    - Committed to organisation if satisfied with job
    - Relish and seek responsibility
    - Good at creative problem solving
    - Talent and skills are normally underused
    - => democratic, consultative, empowering, encourage initiative
    - Assumes higher level needs (intrinsic motivation)
- Instinctive theory of motivation
  - Biological/ genetic roots of motivation
  - All human beings driven by same motivations since same biological programming
  - Survival motive most basic; all other motivations emerge from this

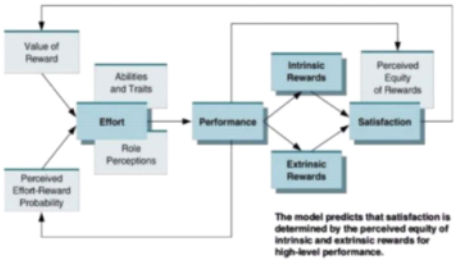
- **Process** theories of motivation
  - Vroom's expectancy theory



- Affirmative to all questions => higher level of motivation
- Motivation can be intrinsic or extrinsic in this case

- Edwin Locke's goal setting theory
  - Features:
    - Goal specificity
    - Goal difficulty
    - Better feedback
  - 2 factors affecting performance e
    - Goal commitment or goal acceptance
      - Open, known and broadcasted
      - Self set rather than designated
      - Consistent with organisational goals and vision
    - Self-efficiency
- Adam's equity theory
  - Based on notion of fairness and justice
  - People's perception based on input they contribute and output they obtain
  - Also use others' input/ output as reference – concept of social comparison
  - Perceived fairness engenders motivation; otherwise, demotivated
- Reinforcement theory
  - Process of shaping behaviour by controlling consequences of behaviour
  - Operant behaviour => associated consequences
  - Combination of rewards/ punishment used
  - Positive reinforcement – praise; stimulates a behaviour
  - Negative reinforcement – removal of negative consequences;
  - Punishment – attempt to decrease occurrence of undesirable behaviour; must be used only after previous two have been exhausted; possible side-effects
  - Extinction – lowering probability of undesired behaviour by removing reward for that kind of behaviour; may unintentionally lower desirable behaviour as well
- Clark Hull's drive reduction theory
  - Based on homeostasis
  - Lack of homeostasis => physical needs => psychological drive to satisfy the need => action => if action reduces the physical needs drive, reinforced
  - Different from instinctive motivation theory
- Cognitive evaluation theory
  - To explain effects of external motivation on people's internal motivation
  - 2 motivation systems – extrinsic vs intrinsic
  - Presence of powerful extrinsic motivators can reduce a person's intrinsic motivation, especially if it is perceived to be controlled by others
- Porter Lawler model of motivation
  - Improvement of Vroom's expectancy theory
  - 4 basic assumptions
    - Individual behaviour determined by combination of individual and environmental factors
    - Rational people
    - Different needs, desires and goals
    - Alternative choices based on expectations

The Porter-Lawler Model



-
- 3 elements
  - Effort – value of reward; perception of effort/ reward profitability
  - Performance -
  - Satisfaction

Morale

- Sum total of satisfaction derived from job, organisation, superior, work group, environment, etc
- Pros of high morale (cons of low morale)
    - Keen teamwork
    - Organisational commitment
    - Fast conflict identification and resolution
    - Healthy and safe work environment
    - Effective communication
    - Increased productivity
    - Greater motivation
- Motivation vs morale
    - Motivation primary concern, morale secondary concern
    - Motivation => morale; not vice versa
    - Motivation individual concept, morale group concept
- Factors
    - Organisation
    - Nature of work
    - Level of job satisfaction
    - Level of supervision
    - Perception of rewards system
    - Off the job activities of the employee
- Incentives
    - Monetary
    - Non-monetary
        - Job security
        - Praise/ recognition
        - Suggestion scheme
        - Job enrichment
        - Promotion opportunities

Personality

- Big 5 model – 5 traits OCEAN
  - Openness – curious, intellectual, original, creative, open to new ideas
  - Conscientiousness – organised, systematic, punctual, achievement oriented, dependable
  - Extraversion – outgoing, talkative, sociable, enjoy being in social situations
  - Agreeableness – affable, tolerant, sensitive, trusting, kind, warm
  - Neuroticism – anxious, irritable, temperamental, moody
- Attributes
  - Locus of control
  - Self esteem
  - Machiavellianism – practical, emotionally distant, ends justify means
  - Self-monitoring
- Personality traits create the high level needs one strives to achieve in one's life

Ethics in Public Administration

14 January 2021 11:26

Professional Ethics

- Standards of behaviour and conduct crucial for performance of duties by a public administrator
- Objective: instil a sense of professional morality
- 2 schools

Normative	Structural
- Draws on organisational development - Examines how ethical values are inculcated and put into operation in organisations	- Probes formal-legal arrangements through which govts seek to channel and control administrator's behaviour

Sources of Ethical Guidance in Administration

Indian Sources

Concept of Dharma

- Emphasis on duty & righteousness
- Purpose of state: welfare of the nation, protection for vulnerable sections
- Prime necessity: rulers, ministers must conquer personal desires
- Aspirations of a state
    - Prabhava - for promoting advancement & growth of all beings
    - Sanrakhshan - for maintaining, providing security to all beings
    - Ahimsa - freedom from violence

Kautilya

- In Arthashastra - various aspects of ethical governance, roles and duty of every stakeholder in state
- Code of conduct
- Traits of an ideal king
    - Self control, open mindedness
    - Seeks advice from council of ministers
    - Active in promoting security and welfare of people
    - Ensures observance of dharma by people
    - Continues learning in all branches of knowledge
    - Endears himself to citizens by enriching them, doing good to them
- Importance of civil service
    - Unimpeachable character
    - Highest personal qualities -- leadership, intellect, energy
- Equity in taxation

Mahatma Gandhi

- Decentralised governance/ self governance
- Social control of business - trusteeship
- Rural-centric governance

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Western Sources

Virtue Ethics

- External and internal goods
- External good: riches, power, fame
- Internal good: contentment, happiness, job satisfaction
- Creation of internal good may hinder development of external goods
    - Justice and fairness within institution may harm private interests of stakeholders
- Public administrators could be punished by politicians etc for acting towards external good

Paul Appleby's Idea of ***Democratic Morality***

- Free state (private interests only think about maximising own good) likely to self destruct over time
- To remain free state, need virtuous public servants, sharing common social ethics
- Democratic morality essential to avoid moral corruption of the society

Weber's Idea of ***Bureaucratic Morality***

- Bureaucracy should be goal oriented
- Designed according to rational principles
- Explicit rules and responsibilities override moral and ethical norms of personal conscience
- Advocates 'impersonal mgmt' - impartiality and neutrality
    - Needs to be coupled w/ conscience & EI to prevent turning into indifference

UN Code of Conduct for Public Officials

- Public office is 'a position of trust, implying a duty to act in public interest'
- Public officials to ensure performance of duties effectively, effectively, with integrity, according to laws and administrative policies

Laws, Rules, Regulations as source

- Laws
    - In ethics, law has a moral connotation
    - Positive human laws
    - Basic ethical standards society expects everyone to comply to
    - Sanctions against violation -- duly enforceable punishments
    - Purpose
        - Promote common good, societal welfare
        - Protect individual rights
- As source of ethical guidance
    - Regulate discretionary use of resources to fulfil personal needs
    - Command both action and inaction
    - Help clarify values to be used and procedure to be followed
    - Modern laws founded on libertarian principles
        - Foster liberty, equity, equality, social justice
    - Have legal sanction => embodiment of social values deserving preservation
- Limitations
    - Teleology: human intellect alone is capable of knowing and judging right and wrong; hence no need of standards to govern human behaviour
    - Multitude of laws, rules & regulations -- impossible for anyone to know all of them

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- Presumption: rule makers haven't violated natural law/ civil laws; but sometimes they circumvent what the civil law clearly states
- Need conscience in application of laws and rules to particular actions

- 4 principles when actor is free to follow the most appealing principle (i.e. Law is not binding)

Probabilism	Law is doubtful when there is more probable evidence on the side of liberty than against it
Probabilism 2.0	Person may follow an option in favour liberty, provided the evidence in favour of liberty is solidly probable, event though the evidence against liberty is more probable
Equi-probabilism	If evidence on both sides is equally balanced
Compensationalism	Consider evidence + gravity of law + reason for acting against the law + inconvenience arising from following the strict interpretation + justness of cause

- Constitution as supreme law of land
  - Constitutional morality
    - Invoked by SC
    - Not mentioned in constitution though
    - 'morality' mentioned - articles 19, 25, 26
    - Ambedkar used 'constitutional morality' multiple times in parliamentary debates

Conscience

- Practical judgement on particular, concrete, human actions

Deontological perspective	Teleological perspective
- an act of intellect - Not emotion, but intellectual decision - Can make practical judgement on morality of past/ future actions	- Similar to completion of ego identity - Every ego is in some sense a code of ethics - Lends capacity to determine meaning & morality when identical to ego

- Types
  - True conscience
    - Judgement in accordance with fact
    - Accurate application of law to the action
  - Erroneous
    - Judgement is false; inaccurate application of law to action
    - Can be vincibly (can be corrected) or invincibly false
  - Certain
    - Judgement without prudent fear of error
    - Doesn't involve metaphysical certainty; just a general certainty
  - Doubtful
    - Judgement doesn't exclude all prudent fear of error
  - Both doubtful and erroneous
- v/s Law

Law	Conscience
- Focus on principles of morality outside human beings - Lays down general rule concerning	- Exists within human beings, determines morality of actions - Lays down practical rule for specific

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actions	action - Wider than law; applies the law to specific actions

- Ethical principles governing conscience
  - Must take reasonable care to ensure correct conscience
  - Bound to follow a certain conscience even if that is false
  - Never ethically correct to act on a doubtful conscience
  - Lexdubianonobligat- lex-dubia-non-obligat - a doubtful law doesn't bind
- Crisis of conscience
  - When conscience fails to provide moral guidance to an individual
  - Loss of ability to determine right and wrong
  - Ambiguous situation wrt values and consequences
  - Individual unable to resolve ethical dilemma using moral sense

Need of Ethics for Public Administrators

- Benevolence to all
  - Ensure vulnerable get protection
  - Might shall not be right
- To be responsive and responsible
  - Sensitive administration
  - Enhance public trust
- Resolve dilemmas
- Fight against populist and majoritarian tendencies
  - Courage reqd
- To be optimistic
  - Able to face ambiguity and paradoxical nature of ethics without being immobilised
- Recognition of paradox of procedures

Determinants of Ethics in Public Administration

Major	Minor
- Political construct - Legal rational framework - Public servant's intention - Citizenry and civil society	- Individual attributes - Organisational structure - Organisational culture - Leadership - Societal expectation

OECD Ethical Infrastructure

8 key elements

- ***Political*** commitment
- Workable ***codes*** of conduct
- ***Professional socialisation*** mechanism
- Ethics ***coordinating*** body
- Supportive public ***service conditions***
- Effective ***legal*** framework
- Effective ***accountability*** mechanism
- Active ***civil*** society

Concept of Public Service

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- Is a public trust
- Goes beyond administrative functions of the govt
- Also incorporates non-governmental organisation and institutions as well
- Citizens
    - Source of sovereignty
    - Taxpayers demanding accountability
    - NOT merely consumers
- Markets NOT alternatives to public service
- Sound governance, public service & responsible citizenship are sine qua non of business friendly envi, smooth operation of markets, effective democracy, social peace
- Primary responsibility
    - Enforcement of law
    - Provision of public services
        - Food, health, education, relief during disasters
    - Settlement of disputes
    - Enforcement of contractual obligations

Measuring Publicness of a Service

By M. Shamsul Haque

- Extent of distinction from private sector
    - Impartiality, openness, equality, representation -- distinctly public characteristics
- Scope and composition of service recipients
- Magnitude, intensity of socioeconomic role
- Degree of public accountability
    - Existence of institutions
    - Extent to which institutions are influenced by narrow interests
- Level of public trust
    - Credibility, leadership, responsiveness

Principles guiding Public Service

- Ethical Education
    - Part of all educational systems, at all level
    - Personal + administrative ethics
- Preservation of professional and personal integrity
    - Self regulation, knowledge, self control, degree of autonomy, personal independence
    - Public trust
- Prudence
    - Self-controlled, discretionary decisions based on knowledge, expertise, ethical judgement
- Public spirit
    - Subordination of private interests to public interest
    - Common good promoted
    - Build harmonious communities, curb social ills
- Code of ethics
    - Written, unwritten
    - Codified CoE could add objectivity
- Sense of TQM Total Quality Management

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- Doing things right the first time to prevent costly duplication
- Motivation for public interest & self actualisation

Code of Ethics and Code of Conduct

- Code of ethics:
  - assembly of institutional guidelines used to reduce ethical vagueness
  - Means of reinforcing ethical conduct within organisation

Code of Ethics	Code of Conduct
Includes core ethical values, principles, ideals of organisation	Directional document; contains specific practices and behaviour followed/ restricted in the organisation
Set of principles influencing judgement	Set of guidelines influencing employees' actions
Wider	Narrow
Generally non-specific; designed to provide a set of values	Generally provides a fairly clear set of expectations about which actions are required, acceptable or prohibited
Enables independent judgements about most appropriate action	Enables compliance with rules

Purpose
- Provide moral guidelines and professional standards of conduct
- Hold people accountable
- Define professional behaviour to promote a sense of pride, tolerance and responsibility among professionals
- Reduce cognitive dissonance, stress associated with decision making processes

Key elements
- Personal responsibility
- Compliance with law
- Relations with public
- Limitations on acceptance of gifts, rewards, hospitality and discounts
  - OECD mnemonic GIFT - Genuine, Independent, Free, Transparent
- Avoiding conflicts of interest
- Limitations on political activities
- Conduct in money matters
- Confidentiality and use of official information
- Use of official property and services
- Private purchase of govt property by employees
- Work environment

Characteristics
- Desirable
- Accessible, simple language
- Feasible
- Enforceable
- Enforced

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Limitations

- Not exhaustive
- Not enforceable through criminal or civil code; cannot be defended in courts
- Limited to imagination of individuals
- Public service is a profession that must be governed by an inherent set of rules that do not come from reading a specific code

Existing Framework for Ethical Standards in India

Central Civil Services (Conduct) Rules 1964

- Governs IRS, Info Service, Customs & Central Excise, postal service, audit & accounts service, etc.
- All India Service (Conduct) Rules, 1968 governs IAS, IPS, forest services

Widely used/ misused rules

- Maintaining integrity & devotion to duty
    - High ethical standards
    - Integrity and honesty
    - Political neutrality
    - Promoting principles of merit
    - Fairness and impartiality in discharge of duties
    - Accountability and transparency
    - Responsiveness to public, particularly weaker sections
    - Courtesy and good behaviour with public
- Can't publicly criticise any policy or action of central or state govt or could potentially embarrass relations of any state govt & central govt

Critique

- No mention of values/ code of ethics
- Nature of the rules more like do's and don'ts
- Restrictive in nature, vague language, impractical at times
- Primitive service rules for govt employees
- Golam Mohiuddin vs State of West Bengal, AIT 1964
    - highlighted inherent ambiguity
    - Leads to subjective satisfaction of govt/ disciplinary authority

Recent disciplinary actions

- DoT suspended an officer for misusing official letterhead to file complaint against Delhi MLA for uploading an incendiary video online
- Central govt asked WB govt to take action against 5 IPS officers for sharing stage w/ CM in CBI protest (can't participate in political protests according to conduct rules)

Draft Public Service Bill 2006

Enumerates fundamental values, code of ethics, management code, etc.
Main values

- Allegiance to Constitution
- Apolitical functioning
- Objectivity, impartiality, honesty, equitable, fairness & just manner
- Integrity, courteousness
- Establish high standards, ensure quality service, effective working, prompt decision

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making
- Accountability for decisions
- Merit as fundamental principle in employment, promotion and placements
- Due regard to diversity w/o discrimination, duly protecting interests of poor, underprivileged and weaker sections
- Honest, impartial & frank advice to political executive
- Ensure economical and careful use of public money

Issue
- Intended to fulfil too many objectives
- Difficult to reach consensus, secure legislative approval
- Lapsed for want of political and societal will

Code of Conduct for Legislators

- Don't bring disrepute to Parliament
- Utilise position to advance general well being of people
- Don't disclose confidential information to advance personal interests
- Act according to Fundamental Duties
- Maintain high standards of morality, dignity, decency, values in public life

Code of Conduct for Ministers

Applies to both union and state govt ministers
Before taking office
- RPA (1951)
    - Disclose relevant details
    - Sever all connections with conduct and management of any businesses before appointment

After taking office
- Annually furnish declaration on assets and liabilities
- Refrain from transacting immovable property with govt
- Refrain from starting, joining any business
- Report business activities of family members to PM/ CM
- Don't accept valuable gifts, esp from those with whom one has official dealings

Code of Conduct for Judges

1997 - Restatement of Values of Judicial Life
Unanimously adopted by SC

- No member of judge's family who is member of the bar can use judge residence for professional work
- Practice degree of aloofness
- Shan't hear/ decide a matter concerning family, close relation, friend
- Shan't enter public debate, express views in public on political matters/ pending matters/ likely to arise for judicial determination
- Let judgements speak for themselves; no media interviews
- No gifts or hospitality
- No speculation in shares, stocks, etc
- Can't decide a matter of company in which they hold shares

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? First initiative for code of ethics - may 1997 (pf 13)

- Prepared by Dept of Administrative Reforms of the Govt of India

? 2nd ARC

Status of Ethical Standards in Indian Administration

Paradoxes between theory and practice

- Rigid adherence to procedure vs ready susceptibility to personal pressure and intervention
    - Leads to poor self actualisation
- Uniform application of absolute justice -- glaring anomalies

Ethical issues

- Excess personal authority/ rank position
- Abuse of personal authority for private benefit
    - Leaking official information
    - Ignoring facts while performing administrative duties
    - Use of public resources for private interests - transport, communication, premises
    - Inactivity causing damage to community
- Negligence
    - Doesn't perform responsibilities, delinquent manner
- Bribery & corruption
- Complacency replaces hard work
- Psychology of evasion
    - Avoidance of difficult decisions
    - Referred to multiple departments unnecessarily to gain time
- Patronisation
    - No set guidelines for post-retirement assignment of senior officers to regulatory bodies
- Administrative secrecy
    - Transparency vital as private interests served under veil of secrecy instead of public interests
- Nepotism
- Lack of compassion
    - Inflexible authority of departmental decisions, precedents, arrangements or forms, irresp of gross injustice in individual cases
- Politicisation of bureaucracy
- Rigid hierarchy
    - No mutual trust b/w govt units
    - Mutual suspicion
    - Authoritarianism among superiors

Ethical Dilemmas

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- Between different values of public administration
    - Efficiency vs accountability
    - Oath of secrecy vs transparency
- Personal values vs those of seniors/ govt directive
- Professional ethics vs following unjustified order by supervisor
- Blurred or competing accountabilities - towards department or society
- Aspects of code of conduct: accepting rewards or gifts for performance of duty
- Administrative discretion
    - Choose one out of several alternatives
- Impact of cultural identity in a depersonalised system

Arises due to
- Lack of clarity in policies, structures
- Conflict of interest
- Different ideology and perspectives
- Changes in the society - dynamism
- Corruption, nexuses, etc
- Ministerial responsibility and civil servant anonymity

Dealing with dilemma
- ***ALIR*** model of imperatives
    - Accountability, Legality, Integrity, Responsiveness

Ethical Issues of Private Sector

- Favouritism, Nepotism, partisanship
    - Appointments to important positions, especially in family run companies
- Integrity of the audit process
    - Eg DHFL
- Insider trading and manipulation of share prices
- Cartelisation and manipulation of markets
- Lobbying with the govt for favourable policies
- Oligopolies/ monopolies

Ethical Issues of Employers

- Favouritism
- Sexual harassment at work place
- Hire and fire culture
- Gender neutrality in hiring policies
    - Insensitivity
- Accessibility - wrt disabled

Ethical Issues of Employees

- Work ethics
    - Punctuality, proactive communication, documentation, upholding dignity of fellow employee, regularity
- Breach of rules, regulations of company
- Misuse of resources
- Using office hours for private work
- Working for multiple organisation

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- Taking credit for others' work, blaming failure over others
- Harassing behaviour
    - Mentally, sexually, physically

Strengthening of Ethical and Moral Values in Governance

General strategies
Pg 15
Specific Strategies

- Effective laws requiring civil servants to provide reasons for official decisions
- New management approaches
- Strengthening the whistle blower protection regime
- Ethics audits - identify risks
- New HR Management Strategies
    - Link ethical performance with entry and advancement
    - Ethical underperformance with disciplinary processes
    - Merit based promotion and recruitment
    - Anti discrimination protections
- Training and development
    - in content, rationale of ethics codes
    - Effective external & internal complaint and redress procedures
- Developing administrative practices, processes which promote ethical values and integrity
- New techniques
    - Institutionalise ethically competent decision making
    - Disinterested advice to govt
    - Ethical culture which supports professional responsibility, self discipline, support for rule of law
- 2nd ARC recommendations
    - Partial state funding of elections
    - Tightening of anti-defection law & Code of ethics for ministers, legislatures, judiciary, civil servants
- Check corruption
    - Civil servants liable for paying damages
    - Confiscation of illegally acquired property

Afa

ghjkl

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Thinkers, Philosophers

14 January 2021 11:24

When quote and philosopher both mentioned - if you know of general stuff about the philosopher, mention it for value addition

Moral realism - read satyam's answer from cip ed file q23 (VVI)

Subjectivity arises when a value is seen in context of another
Objectivity when a moral followed for the sake of itself
Kant's universalism -- test: will it be good if this act becomes universal

Human dignity is objective; becomes a meta-ideology w/ multiple interpretations

Aristotle's doctrine of mean

Indian Thinkers

Kautilya

- Arthashastra - book on statecraft - primary source
  - Codes for efficient administration
  - Also ethical administration
  - Duties of king, ministers, officials, common man
- Anecdote - 2 separate lamps - one for state work, other for personal work
- Yogakshema - Concept of welfare state
  - King is responsible to his subjects
  - Happiness of king lies in happiness of subjects
  - Crucial role of State for ensuring material well-being of nation, people
- Artha - concept of materialism
  - Broader meaning beyond personal possessions
  - Society should be above individual interest
  - Money valuable only to the extent that it serves as a means to acquire goods
- Ideals of ethical conduct
  - For each individual, irrespective of social class

Ahimsa	Refraining from injury
Satya	truthfulness
Sauca	Purity
Anasuya	Freedom from malice
Anrsamsya	Compassion
Kshama	Forgiveness

- Corruption
  - Endemic invisibility of corruption in administration
  - Corrupt administrators = fish in water, who cannot be caught when it drinks water
  - Need for strong penal framework to ensure probity in civil administration
- Social order
  - Ruler must safeguard social order based on varna-ashrama system; divinely

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ordained

Buddha

- Ethical and moral principles governed by examining whether a certain action is harmful to oneself or to others
- Skilled mind - avoids actions potentially causing suffering/ remorse
- Commitment to refrain from killing, stealing, sexual misconduct, lying, drunkenness
- 4 noble truths

Dukkha	There is suffering
Samudaya	There is a cause for suffering
Nirodha	There is a soln to every suffering
Marga	There is a path to cessation of suffering

- 8 fold path for cessation of suffering

Right views/ understanding	Knowing and understanding the four noble truths	Until
Right thoughts	Caring for others, being unselfish	Thoughts
Right speech	Telling the truth; speaking kindly and wisely	Stop
Right action	Not to harm others, steal or cheat	Acting
Right livelihood	Working to the best of your ability and being in a job that doesn't harm others	Like
Right effort	Working hard to keep to the 8 fold path	Excited
Right mindfulness	Being aware of the effects of thoughts and actions	Monkeys
Right concentration	Peaceful state of mind, gained from following the path	Confusion !

- Key lessons:
  - Mindfulness
    - Notice present thoughts, feelings and sensations without judgements
  - Momentariness
    - Temporariness of everything
    - Thus, practice non-attachment and selflessness
    - Help in conflict resolution
  - Linkage b/w individual action and world
    - Concept of Karma
    - Our selfish actions affect the planet in a harmful way -> more suffering in the future
    - Effects of Karma continue to work in a person's rebirth
  - Bhavana
    - Training of the mind
    - Quote: A pure mind, a trained mind, a well-developed mind, a mind that can be controlled at will, a mind that does not go on to subjects that are conducive to tension and boredom, but keeps alert, keeps on developing itself, discovering itself and within itself the secret of life, the problems of life and the reality of life, is man’s greatest treasure. (1st verse of Dhammapada)
  - Karuna
    - Compassion

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        - Superior version: Upekkha (complete equanimity)
- Anecdote
    - Angulimala became a monk
    - Woman and mustard seeds

Thiruvallur

- Thirukkural/ Kural - first book on ethics
- Universal ethics
    - Humanity, love, relations, contracts
- Codification of ethics
    - 3 heads

Aram	Porul	Inbam
Dharma/ Virtue	Wealth/ Artha	Love/ Kama

- Personal and public life are intertwined
    - For a good personal life, must have a public life guided by fundamentals of conduct and character -- honesty, integrity, consistency

Swami Vivekananda

- Modern thinker, reformer
- Attempted to combine Indian spirituality with Western material progress -- both complemented, supplemented each other
- Intrinsic purity and oneness of the Atman
    - Prevalent morality is mostly based on fear - police, public ridicule, fear of karma, God's punishment; doesn't explain WHY!
    - We should be pure and moral b'cos it is our real nature, true divine Self/ Atman
    - Attitude of non-individuality - love & serve our neighbours
- On ethics
    - Shouldn't be based on fear/ societal censure
    - Morality must be based on intrinsic purity
    - 'The only definition that can be given of morality is this: that which is selfish is immoral, and that which is unselfish is moral'
    - Karmayoga philosophy -- system of ethics to attain freedom, both political and spiritual, through selfless service
- Ethics >> Laws
    - Nation made great by people + conduct, not laws enacted by parliament
    - *Laws acts as means, ethics as ends*
    - Morality = renunciation of all temptations
- Ethical secularism
    - Humanistic approach to religion
    - 'Religion is a universal experience of transcendent reality, common to all humanity.'
    - Relevant amidst rising communal tendencies
    - Daridra Narayana - term for god in fellow beings
- Compassion for all beings
- Education as character building exercise
    - 'A nation advances in proportion as education is spread among the masses'
    - Form character, increase strength of mind, expand intellect
    - Education must make students self reliant, help them face the challenges of life.
    - Manifestation of the perfection already in humans

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    - Highly critical of so-called educated who do not care for the poor and downtrodden.
- Nationalism
    - His version deeply rooted in Indian spirituality and morality
    - Based on universalism & humanism -- 2 cardinal features of Indian spirituality
    - Western nationalism is secular; Vivekananda's is based on religion which is life blood of the Indian people
    - Basis -
        - Deep concern for masses
        - Freedom and equality for self expression
        - Spiritual integration of the world on the basis of universal brotherhood - 'Vasudhaiva Kutumbakam'

- Quotes/ anecdotes
    - All the powers in the universe are already ours. It is we who have put our hands before eyes and cry that it is dark.
    - Chicago Convention of Parliament of Religions - 1893 - Vasudhaiva Kutumbakam

Western Thinkers

Plato

- 2 basic premises:
    - Goodness consists of the natural and proper functioning of human nature
        - Man is social by nature; society is a normal bg of moral life of human beings
    - Good life is the life of virtues. -- virtue is necessary for happiness
- 4 cardinal virtues in morality
    - **Wisdom** - guided by rational rules, not impulses
    - **Courage** - one who can stay intact to the instructions of his intellect; physical courage of soldier & moral courage of a thinker
    - **Temperance** - self control; doesn't mean complete abstinence
    - **Justice** - doing one's job, being morally perfect
- Allegory of the Cave
    - Belief vs knowledge
    - prisoners in a cave, seeing shadows on the walls due to fire - believing they are real
    - One escapes, sees shadows are fake, goes into the real world; but comes back blinded b'cos eyes unaccustomed to sunlight
    - Other prisoners don't listen to the reality but believe there's danger outside and thus don't even try to leave the cave

Aristotle

- Disciple of Plato
- Virtue can be learned only through constant practice; no set rules to learn and obey
- Teleology of Nature
    - Nature works towards an end goal -> clear sense of direction
    - Our goal - achieve our true nature = rationality
- Highest human good is happiness
    - End in itself
- Doctrine of mean
    - Happiness depends on living in accordance w/ appropriate virtues

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    - Virtue is a mean state between the extremes of excess and deficiency
    - Mean varies from person to person
- Justice
    - General justice - deals w/ virtue expressed towards other people
    - particular justice
        - Distributive - deals w/ distn of wealth among members of a community
        - Rectifier - remedies unequal distn of gain and loss
- Life of contemplation
    - Highest human activity
    - Wisdom is the highest intellectual virtue - deals only w/ unchanging, universal truths
    - Wisdom rests on a synthesis of scientific investigation and the intuitive understanding of the first principles of nature

Emmanuel Kant

- Deontological approach
- Duty based ethics
    - Acts are inherently good or evil, regardless of consequences
    - Importance to performance of duties irresp of consequences
- Role of moral will in ethics
    - Moral law arises only from pure will -- self determined, self governed
    - A person is free when he is bound by his own will, i.e. Moral courage
- Authority behind morals
    - Autonomous; authority -- individual's own will
    - Ethics in autonomous, universal and unconditional
- Categorical Imperative as the moral law imposed by practical reason
    - Internal law imposed by conscience upon itself
    - As different from Hypothetical Imperatives

Karl Marx

- Theory of history -- forms of society rise and fall as they further and then impede the development of human productive power; historical process proceeds through a necessary series of modes of production, characterised by class struggle, culminating in communism
- End justifies the means
    - Regarded immoral by many b'cos advocated violence and killing
- 'Old Morality' - morality of the reigning capitalist class - exploits the working class
    - Must abandon old religious moral codes
    - 'Thou shalt not steal' - establishes a society in which some have property, others do not -- root of problems
- Marxist Ethics -- revolution is the most efficient means for creating a society without class distinctions; unavoidable; only way to overthrow the bourgeoisie & uplift proletariat

Weber

- Devised ideal bureaucratic model
    - Bound by -- rules, sphere of competence, principle of hierarchy, need for specialised training, impersonal detachment, documentation, career service, non-bureaucratic head
- Believed in political superiority over bureaucracy -- civil servant should NOT take interest in politics; only impartial admin
- Legal Rational Authority

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    - Auth must be derived from a system of rules & norms which are rationally derived
    - Opposed charismatic, traditional authority for the bureaucracy
- Protestant Ethic as the source of Capitalism
    - Act with honesty -> God blesses w/ riches -
    - Protestant Ascetism - individual needs hard, continuous bodily or mental labour -- foundation of capitalism
- Civil servant ethics
    - Sense of duty should prevail over personal view
    - Make opposing views known to superior but comply if superior insists
- Accountability through Principle of hierarchy
    - Every subordinate in the admin hierarchy is accountable to his superior

Locke

- Father of Liberalism
- 3 Natural Rights
    - Life, liberty and property
    - Property is the product of a person's labour -- foundation of Marx's Socialism & Adam Smith's Capitalism
- Accountability of govt
    - Rejected divine right of the king
    - Societies form govt by their mutual consent -- consent of the governed essential
- Importance of education
    - Educations shapes the mind; provides individual with mental faculty to take decisions based on preferences in a rational and logical manner
- Tolerance
    - Non-interfering approach in freedom of religion; except if threat to public order

Hobbes

- Advocated materialism
- 2 situations prevail in the world
    - Scarce resources
    - All persons are equal in their power
- 2 theories based on these situations
    - State of nature is state of war - human beings engage in a fierce struggle for scarce resources to fulfil their self interest
    - Right of nature - every individual is justified in the use of force and fraud to defend his/ her state of nature -- consequentialist
- Social contract
    - Innate selfishness; human beings require external coercive power to follow articles of peace
    - Social contract - trade-off b/w liberty for safety is essential; otherwise there will be 'war of every man against every man'
- Objective morality
- Emphasis on civic education
    - State should reform curriculum, focus on civic education
    - Useless to argue on matters of mind, free will etc. -- state should instil values of obedience amongst citizens through education

John Rawls

- Thought experiment -- 'original position' and 'veil of ignorance'
- Justice as fairness
    - Equal basic rights, equality of opportunity, promoting interests of the least

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advantaged members of society
    - Fairness demands ignorance as people's own definition of justice reflects what is good for them instead of anything shared or universal
- Principles of social justice
    - A just society will conform to rules that everyone would agree to in the original position
    - Principles of justice for a liberal society
    - Challenged utilitarian political philosophy
- Reflective equilibrium
    - Consistency and coherence b/w various opinions & beliefs
    - Based on gut reaction, instinct, focusing on specifics of situation -- unreasonable, inconsistent approach

- Rawls & COVID 19 -- The Veil Experiment
    - How would you design social and political institutions or, in other words, the 'basic structure' of your society under such circumstances?
    - Would you want a society where only a few rich people can access healthcare or one where everyone can afford it?
    - Would you wish to have a political system that protects only the young from this virus and leaves the old to their fate?
    - Would you prefer a society that ensures fair wages to those whom economist Guy Standing called the 'precariat'? (named owing to the precarious nature of their work and their lives)
    - Or would you rather leave them to scramble for a living, making them vulnerable both to the virus and to destitution?

JS Mill
- Utilitarianism
- Quantitative utilitarianism/ ethical hedonism
    - Greatest good for greatest number
    - Right if produces pleasure, wrong if pain
    - Bentham - all pleasures are equal
- Qualitative utilitarianism
    - Rule Utilitarianism -- JS Mill distinguished quantitate and qualitative pleasures
    - Intellectual pleasures better than sensuous pleasures; we ought to seek satisfaction of higher capacities
    - More valuable moral pleasures are those which employ 'higher faculties'
- Idea on liberty
    - 'harm principle' - people should be free to act however they wish unless their actions harm somebody else
    - Individuals are rational enough to make decisions about their well being
    - Govt should intervene only when it is for the protection of society

☐ Pg 15 onwards -- Gandhi

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Corporate Governance

14 January 2021 18:11

CG in India

- Companies Act, 2013 -- BoD to look over transparent, fair governance, txns amongst shareholders and employees
- Uday Kotak, Kumar Mangalam committees - strengthened CG by constituting independent directors -- 50% + min 1 woman
- Injeti Srinivas - advocated for better utilisation of CSR funds (social accountability)
- MoCA mandated disclosure of ICC reports in annual reports highlighting sexual harassment

- Narayan Murthy - Compassionate Capitalism - 3 Ps - People, Profit, Planet

Business Ethics

- Set of ethical principles applied in a business environment
- Applicable to ALL activities and individuals of an organisation
- Business ethics = study of content + effectiveness of codes of conduct
- Moral responsibility of business for what they do -- employees, environment, impact of product on consumers, etc

Wrt consumers	Wrt employees
- Consumer safety thru high stds in prodn of goods & services - No misleading advertisements/ truthful ads - NO sale of inappropriate products which demean intrinsic value of humanity by treating it merely as a means to generate profits	- Non-discrimination - Pay commensurate to their efforts

- Ethical responsibility in various sectors
    - Energy - transparent accounting, clearly defined system of environmental ethics
    - E-commerce - data protection, customers' privacy and security
    - Pharmaceutical - does NOT indulge in improper clinical trials, misleading advertisements, nexus with doctors, patent claims for non-innovations ++ do -- optimum pricing and quality of drugs, accurate info sharing, informed consent during clinical trials
- Need
    - Builds trust among people
    - Stability to company
    - Improves performance of organisation
    - Increase formal investment in the economy

Ethical Management

- Conduct of manager operating within a workplace
- No legal rules, laws
- Ethics code -- references shared values, principles and company policies about basic conduct; outlines the duties of the manager towards employees, company, stakeholders

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Business ethics	Ethical management	Mgmt of ethics
- Influenced by actions of the business - Std for enterprise decision making and action	- Concerns standards of personal behaviour for managers to deal w/ employees and other stakeholders	- Create a set of principles/ code for all to comply ethical behaviour - Used to deal w/ conflicts of interest, dilemmas, etc

Definition of Corporate Governance

- set of systems, principles & processes that ensure that a company is governed in the best interest of all stakeholders
- Employees, customers, management, shareholders

Evolution

- Cadbury Committee Report UK
  - Triggered committee formation by SEBI, ASSOCHAM, GoI
- Desirable Corporate Governance Code (1998)
  - 4 ideals
    - Transparency
    - Accountability
    - Disclosure
    - Value creation
- Birla Committee & Narayan Murthy Committee Report
  - Both set up by SEBI
  - Recommended framework
  - Strengthen responsibilities of audit committees
  - Improve quality of financial disclosures
- Corporate Governance Voluntary Guidelines 2009
  - Emphasis on role of board
  - Separation of offices of Chairman & CEO
  - Whistle Blowing Policy
  - Risk Management Framework
- Companies Act, 2013
  - CSR: mandatory legal requirement
  - Legal framework for good corporate governance

Models

- Anglo-American model: focus on separation of ownership & control
- German model: two-tier model
- Indian model: mix of both
  - 3 types of corporations
    - Private
    - Public
    - PSUs
  - Each has distinct pattern of shareholding

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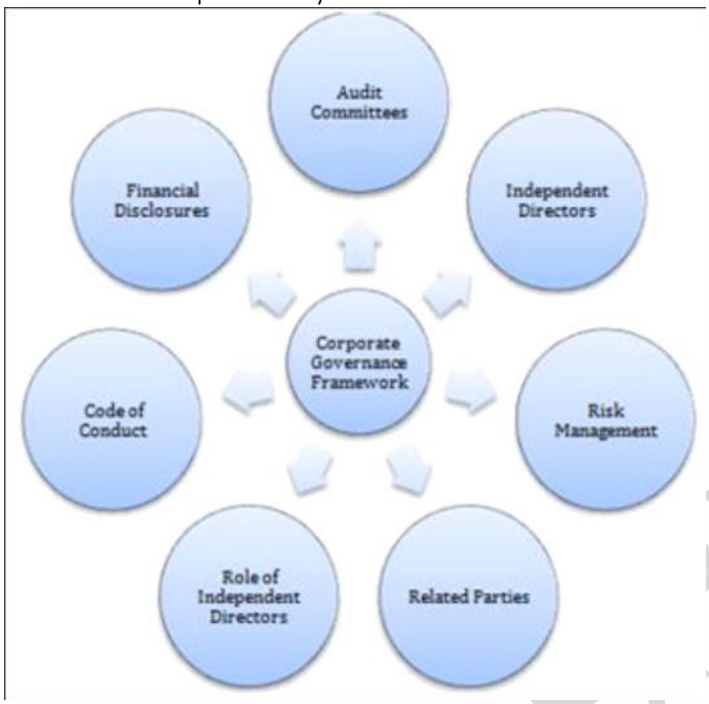
Principles

- Independence of board of directors
- Decisions in best interest of 3Ps - Profits, People & Planet
- Fairness in actions in market
- Social responsibility: to build social and human capital



Functions

- Accountability - to stakeholders, investors, public
- Transparency - about operations, earnings, successes, failures
- Ethics - company + employees held to high ethical standards
- Compliance - with laws, regulations
- Company vision - achieved using strategic planning

Importance

- Enhance corporate sustainability
    - Best interest of shareholders
    - Trust in organisation
    - Emboldens risk management system
- Lawful and ethical conduct
    - Integrity, fairness, honesty, transparency, ethical conduct
- Value, encourage shareholder activism
    - Delineate, communicate stakeholder rights
- Improved information flow
- Gender equity, diversity maintained
    - Sensitisation
    - Participatory work culture
- Improved functioning of boards
    - Nepotism, favouritism curtailed

Issues in India

- Accountability & risk management
    - Poor risk management
    - Poor internal and statutory audits

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    - Weak whistle blowing policies
    - Top management able to override internal control mechanisms
- Poor transparency, lack of fairness in affairs
    - Disclosure lapses
    - Insider trading
- Inadequate monitoring & Response failure by regulatory authorities
    - Enforcement machinery not keeping pace with regulatory changes
- Challenges associated w/ independent directors
- Family ownership
    - Most practical model in India
    - Increased governance & key-man risks
    - Promoter's emotional attachment to company -- blinder
- Lack of succession planning
- Lack of capital allocation mechanism
- Lack of diversity
    - France & Norway: 40% mandatory board representation for women
    - India: only 17%; no legal provisions

Independent Directors

- Non-executive director
- Doesn't have any fiduciary relationship with the company
- And/or hasn't been an executive with the company in last 3 financial years
- Conscience of the board
- Must be min 1/3 of board strength
    - At least one separate meeting each year w/o participation of non-independent directors
- Role & importance
    - Fraud prevention and detection
    - Protecting interests of minority stakeholders
    - Mediating in conflict b/w management & shareholder interests
    - Improving corporate credibility
    - Risk management of the company
    - Playing a supervisory role in the company
    - Stay updated on company + external environment
    - Not disclose confidential information unless approved by the board/ reqd by law
    - Prime role in naming Executive Directors of company
    - Sole authority to monitor proper conduct and impartial judgement regarding investor interests
    - Act as strong instrument to check intended corporate scandals
- Issue & challenges
    - Appointments
        - Political partisanship
        - Favouritism & nepotism
    - Reliability issues
        - Exit whenever they smell trouble
    - Lack of board evaluations
        - InGovern report 2016: only 5 of top 100 companies merited 3/5 stars for providing effective board evaluations
    - Compromised objectivity and transparency
        - Avg take home remuneration increased by 21% in 2015-16
        - But provisions regarding non-remuneration!!

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Corporate Social Responsibility CSR

- To embrace responsibility for the company's actions
- Encourage a positive impact on environment, consumers, employees, communities, all other stakeholders
- Govt mandate:
    - 2% of avg profit in last 3 years for companies with net profit of Rs 5 crore
    - on social development related activities
    - Sanitation, education, health care, poverty alleviation, etc.
- Need
    - Creates favourable public image
    - Encourage social involvement of employee
    - Coalescing societal and organisational goals
    - Gives greater freedom and flexibility in decision making
        - Discourages excessive regulation/ intervention from govt or statutory bodies
    - Encourages co-operative attitude, healthy competition
- Issues
    - Companies engage in CSR with profit motive
    - Lack of specialists impacts efficiency of CSR
    - Transparency issues
        - No disclosure
        - Concerns not addressed
        - No impact assessment
        - Impacts trust between companies and local communities
    - Imbalance in CSR spending
        - Most funds go to handful of activities (health, education)
        - Donated to specialised organisations/ own enterprises in that sector
    - Geographical inequity
        - More than 25% in 5 states - Maha, Guj, Andhra, Raj, Tamil Nadu
        - Least in north east
    - Contradictory nature
        - Fundamentally inspirational exercise
        - Difficult to legislate aspirations
- CSR Survey Report (Annual)
- Way forward
    - Encourage 2-way communication
        - VSTF Village Transformation Mission in Maha - TATA, DB, HUL all part of steering group
    - Collaboration and co-creation
        - Proactive involvement w/ partner NGO
        - Attend joint meetings
        - Companies must bring in professional approach
    - Accountability regime
        - Due diligence, stringent monitoring
    - Go beyond CSR to CSV (Creating Shared Value)
    - Need punitive actions, stringent disclosure norms
    - Diversify spending areas to bring in equity

Corporate Sustainability

- Strategies and practices to meet needs of stakeholders today while seeking to protect, support and enhance the human and natural resources that will be needed in the

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future
- Key drivers
    - Internal capacity building strength
    - Social impact assessment
    - Repositioning capability through development and innovation
    - Crystallisation to ensure consistent growth (?)

Kotak Committee Recommendations

- Independent directors
    - Increase strength from 33% to 50% to protect small investors
    - No board meetings w/o presence of an ID
    - Ensure truly independent directors
- Audit
    - Audit committee to look into utilisation of funds infused by listed entity into unlisted subsidiaries, including foreign subsidiaries
    - Issues in accounting, auditing practices
    - To improve effectiveness of board evaluation practices
- Strengthening regulator
    - Role of market regulator
    - SEBI to have power to act against auditor if needed
    - SEBI to develop capabilities to regulate listed companies more effectively
- Other
    - Board have final say on appointment of ID in govt companies, NOT nodal ministry

Miscellaneous reforms

- ID Database to register experts
- Companies Act, 2013 amended
    - re-categorisation of 16 compoundable offences to civil defaults
    - Setup Company Law Committee
- Punitive action, setting accountability
    - Planned by SEBI in big cases

More recommendations

Combo of global practices + existing legal provisions + good to have principles + forward looking concepts

- Right board leadership
- Clear company policies and practices
    - Zero tolerance for bribery, corruption
    - Prevent market manipulation
- Integrity of financial statements - foundation of stakeholders trust
- Continue decriminalization of business laws
- Need to embrace all stakeholders through concepts & principles of governance
    - Govt, lenders, creditors, employees, customers, vendors, community
- OECD Document on Corporate Governance reforms
    - Training to independent directors on business of company
    - Improve investor education for better participation at General Meetings
    - Improve selection mechanism for independent directors

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Ethics in IR

15 January 2021 17:40

Significance

- Fairness in world economic order
- Establishes justice though global institutions (UN, ICJ, etc)
- Prevents genocides, crimes against humanity
- Strives to remove poverty, destitution, inequality
- Humanitarian ethics based rules of exchange between nations
- Constructive debates on social justice, human rights, caring for environment across national borders, social responsibility and accountability, interdependence

Theories

Realism	Liberalism	Cosmopolitanism
- State behaviour governed by interests, not universal moral principles - Politics is an autonomous sphere - Economics, personal morality don't affect politics	- 4 major constituents • Individualism • Egalitarianism • Universalism • Meliorism: world can be made better by human effort	- All human beings have equal moral standing - Single world community - Int'l politics must focus on interest, rights, welfare of people irresp of where they reside - rather than interests of state

Elements of Ethics in Foreign Policy

- Human rights at heart of foreign policy
  - Cosmopolitan virtues
  - Democratic rights of people
- Commitment to multilateralism, prosperity and environmentalism
- Global justice and responsibility to protect
- Principle of sacrifice:
  - If it is in power of any nation to prevent something very bad from happening without sacrificing anything of comparable moral significance, one ought to do it.
  - Eg. Deaths due to starvation or genocide
- Ethical and decisive leadership

Doctrine of International Community

- 6 principles propounded by Tony Blair (former UK PM)
  - Reform of system of int'l financial regulation
  - New push on free trade in WTO
  - Reconsideration of workings of UN
  - Critical examination of NATO
  - Greater cooperation on meeting Kyoto targets
  - Scrutiny into issue of third world debt

- 5 rules of intervention

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    - Be sure of your case
    - Exhaust all other options first
    - Ask if military operations can be 'sensibly' undertaken
    - Prepare for long term
    - Identify if own interests are involved
    - ----- 'Global war on terror' justified by this (Iraq, Afghanistan)

- Global Communitarianism
    - Supranational community having common definition of good
    - Usually communities have own defn of good, not tenable to authorise communities to decide thus though
        - Eg. Caste system
    - Global community: transnational norms

Global Constitutionalism

- Principles of constitutionalism exist that are followed around the world
- Global governance through global institutions and norms
- Principles
    - Rule of law
    - Separation of power/ checks and balances
    - Protection of human rights
    - Democracy
    - Solidarity
- Ethical significance
    - Objective ethical standards to judge domestic, int'l endeavours
    - Civilians understand where they stand globally, wrt possessing & exercising basic freedoms and rights
    - Moral principles as guidance for int'l institutions
- Conflict of desires
    - Nations find global aspirations inimical to their growth and power

Ethical Concerns in IR

Climate Change

Ethical issues

- International equity concerns:
    - Least developed, least responsible nations, communities are the worst affected
    - Eg. Marshall Islands (how)
- Resource scarcity may create conflict
    - Eg. Syria
- Global dispersion of causes and effects
- Institutional inadequacy
- Persistence, non-linearity, time-delayed nature of climate change
- Uncertainties in scientific knowledge base
    - Incomplete factual data on various aspects
    - Uncertainties caused by nature, assumptions, scope of available theoretical frameworks
- Issues of justice
    - Distributive justice
        - what is unfair/ unjust in distn of negative consequences of climate change?
        - Fair distn of benefits of actions leading to climate change?

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- Compensatory justice
  - Who should be beneficiary?
  - How to distribute compensations?
- Procedural justice
  - Who should participate in decision making on prevention, mitigation, adaptation?
- Human rights issues

Resolution of ethical challenges

- Worth of actions, policies depends on values, principles + effects
- Responsibility to train future generations of climate scientists
- Adoption of precautionary principle in decision making to deal with scientific uncertainty
- Structures and procedures resilient, sensitive to vulnerabilities of people, environment
- Remove obstacles to sharing & differentiating responsibilities
- Recognition of varying ability to tackle climate change among countries

Global Poverty & Inequality

- People living on less than $1.90/ day
- UN: 71 mn people expected to be pushed back into extreme poverty in 2020
  - First rise in global poverty since 1998

Ethical issues of poverty

- Vulnerable population disproportionately affected
- Insensitivity among well off
- Leads to low self esteem, low self worth; violates right to dignified life
- Prioritisation dilemma: citizens vs non-citizens for resource allocation
- Accessibility and affordability issues
  - Compounded impact
  - Deprivation prevents developing capabilities for improving life

Ethical justification for inequality

Desert Ethics	Voluntarist Ethics	Ethics of Growing the Pie
- Only fair to treat a person as they deserve. - Fair to be entitled to wealth one has created, exclude others from it	- Inequality is a just outcome - People consented to the transactions that led to inequality	- Grant superior legal status to few; leads to more wealth and opportunities for everyone - Actually: rich becomes richer, poor poorer

Ethical Issues due to inequality

- Loss of trust in society - thievery, lying
- Level playing field removed
- Loss of individual self determination - limited opportunities
- Loss of respect and tolerance
- Loss of obedience - protests, rule breaking, rioting, etc
- Violation of distributive justice
- Fundamental rights affected
- Suffering aggravated
- Democracy undermined
  - ***John Rawls***: unequal access to political system and positions of power

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Terrorism

- Acts of violence that target civilians in pursuit of political or ideological aims
- Core: violence and intimidation
- Global Terrorism Report: India 7th most affected state from terrorism

Ethical issues
- Preservation of human life & rights
- Recruitment of women and children for terrorist activities -- brainwash
- Good terrorist vs bad terrorist
  - Statement by our foreign min/ secy in Jan -- linking UN & FATF
- Use of violence to suppress terrorism
- Disbelief and distrust in present global order and democratic values
- Denial of civil liberties -- mass surveillance, restrictions, curfew, internet shutdown
- War crimes -- treatment of illegal combatants, use of torture in interrogation, killing of civilians
- Human rights violation
- Forced mass migration - Syria, Iraq

Measures
- Countering fundamentalist ideology
- Providing aid
- Capability building
- Regular sensitisation in schools, community centres, etc rather than anti-immigrant legislations
- De-radicalisation of youth

Genocide

- Coined in 1943 - Raphael Lemkin
- Culminated into UN Convention on Genocide (1948), wef 1951

Ethical Concerns
- Narrow definition

Organised Crime: Drugs and Human Trafficking

International Aid

NGO Colonialism and Foreign Aid

Pandemics

Collective action in COVID times (pg 21)

Humanitarian Interventions

Just War

Global Commons

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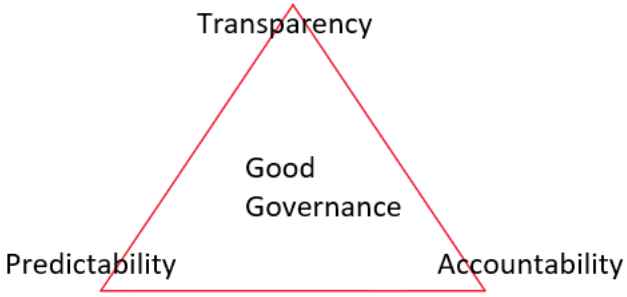
Probity in Governance

14 January 2021 11:25

Administrative Ethics

- Set of moral norms and requirements for those in public administration to aim their professional activity at attainment of common wealth and effective use of moral values
- Based on moral norms, approved by society in its role as an important regulator of collective activities and existence as well as upon professional values, closely connected to public administration employees
- 3 basic components
    - Values - individual, group and social statements, opinions and attitudes towards concepts like freedom, justice, honesty, loyalty, neutrality, responsibility, etc
    - Standards and norms - laws, codes, rules - guide actions of employees
    - Behaviour - limited by certain standards and norms corresponding with social values
- Importance
    - Reflect concept and goals of civil service, special tasks of different govt institutions
    - Influenced by a conception of ideal or target public admin model adopted by society
    - Aids in defining the ethical requirements for civil servants
    - Regulation of reln b/w govt and citizens

Concept of public service



Probity

- Strict adherence to the highest ideals of honesty, integrity, rectitude, moral uprightness and decency. It is not merely avoidance of bad conduct. It ensures procedural integrity and compliance of process.
- = confirmed integrity
- = being incorruptible
- Having strong moral principles, strictly following them
- Concerned with propriety and character of various organs of the govt
- Upholding procedural uprightness irresp of individuals manning these institutions
- Allows the process to withstand public scrutiny

Philosophical Basis of Probity in Governance

Public administrators are guardians of the administrative state

- Why should guardians be guarded?

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- Who guards the guardian?
    - (Quis custodiet ipsos custodes?)

Historical perspectives on ethical governance in

- Ramayana, Mahabharata, Bhagvad Gita, Buddha Charita, Arthashastra, Panchatantra, Manusmriti, Thirukkural, Shukra Niti, Kadambari, Rajatarangini, Hitopadesh
- Lao Tse, Confucius, Mencius

Western philosophy

- Aristotle
    - Virtues are dispositions to act in ways that benefit possessor & society
- Kant
    - Concept of duty as central to morality
    - Duty as rational beings
    - Morality -- respect other rational beings with whom one interacts
- Utilitarianism
    - Guiding principle: greatest good/ benefit/ happiness of the greatest number
    - Objections:
        - Happiness unquantifiable
        - Consequences inherently unknowable -- impossible to predict
        - Could require doing morally problematic/ doubtful things in order to bring about a good result
        - People's behaviour lacks predictability & consistency -> trust and social stability difficult to sustain
        - Overlooks interests/ needs/ happiness of numerically inferior groups
- Hume
    - Moral distinctions are derived from feelings of pleasure & pain of a special sort, not from reason
    - Reason by itself can never prevent or produce any action or affection
    - Moral concern actions and affection, it cannot be based on reason

? World Bank 1992 - stress on ethical and moral conduct of administrators

Myrdal describes India as a '*soft society*' in his book Asian Drama

- Lack of will to enact laws necessary for progress and development
- Lack of will to implement even existing laws
- Lack of discipline at all levels

Mehboob-Ul-Haq - corruption exists everywhere but it is a greater cause of worry in South Asia because it is exploitative and feeds on the helpless poor citizen.

NCRWC Report, 2002:

Requirements for probity in governance

- Absence of corruption
- Effective laws, rules and regulations governing every aspect of public life
- Effective and fair implementation of these laws

Need for Probity

Ethical behaviour = standards + adoption in action + issuing sanctions against their violation

- Legitimacy of system
- Trust building through ethical outcomes

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- Objectivity
- Checks and balances
- Equitable and sustainable development
- Serve the constitutional cause
- Reduced politicisation of bureaucracy
- Reduce menace of *Sanskritization of Corruption* (Kaushik Basu)
    - Corruption tolerated + becomes a status symbol

Principles of Probity

Includes Nolan Committee Recommendations + more

- Selflessness
- Integrity
- Objectivity
- Accountability
- Transparency
- Openness
- Honesty
- Confidentiality
- Management of conflicts of interest
- Leadership

Challenges to Probity in Governance

- Lack of fair and effective implementation of laws
- Colonial legacy
    - Ingrained culture of indiscipline
    - Culture of impunity
    - Authorities exercise power unchallenged
- Historical and social asymmetries of power
- Erosion of values and institutions
    - Gross perversion of Constitution
    - Wilful violation of oath of office

Information Sharing and Transparency in Govt

Definition

2nd ARC

- Availability of information to general public, clarity about functioning of govt institutions

Vishwanath & Kaufmann (1999)

- **Increased** flow of **timely** & **reliable** information, **accessible** to all relevant stakeholders

Refers to level of openness, accessibility & reliability of info + style of functioning + priorities in policy making

Timeline

- 1946: Resolution 59 of UNGA - Freedom of Information integral part of fundamental right of freedom of expression
- 1959: National Campaign for People's Right to Information -- to get law passed

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- 1966: Int'l Covenant on Civil and Political Rights
- 1969: American Convention on Human Rights
- 1982: SC said w/o RTI, freedom of speech and expression can't be fully used by citizens
- MKSS Mazdoor Kisan Shakti Sangathan - grassroots organisation - started movement of RTI wrt development projects in rural Rajasthan
- 1997: TN 1st state to enact RTI legislation
- 2000: Rajasthan RTI act
- 2005: RTI Act at national level

Why?

- Key to building accountability and trust in public offices
- Empower citizens
- Foster citizen participation in public affairs
- Strengthen participatory democracy
- Usher in people centric democracy
- Voice power: capacity of citizens to pressurise frontline officials in ensuring effective delivery of services
- Protection of individual rights
- Transparency is an end in itself
- Promotes democratic decision making
- Effective and objective public service delivery
- Necessary for accountable and responsible govt

Features

- RTI laws: constitutional/ legal right
- Proactive transparency
- Open data approach

Information Sharing

- Exchange of data among various governing bodies, organisations and general public
- Steps:
    - RTI Act
    - Televised parliamentary debates
    - Publication of govt audit reports
    - Wide advertisement of govt positions on various policy issues through websites, radio, social media, etc
    - Open Data Government -- data.gov.in

Issues in India

- Official Secrets Act
    - Catch-all legal provision
    - Confidentiality norm, disclosure exception
- RTI Act
    - Mandated pro-active disclosure by public sector not widely practiced
    - Cumbersome application process
    - Huge backlog - dysfunctional body due to vacancies
    - Lack of transparency in political funding
    - Political parties, judiciary out of purview
- Top down approach in governance
    - Centralised, one size fits all

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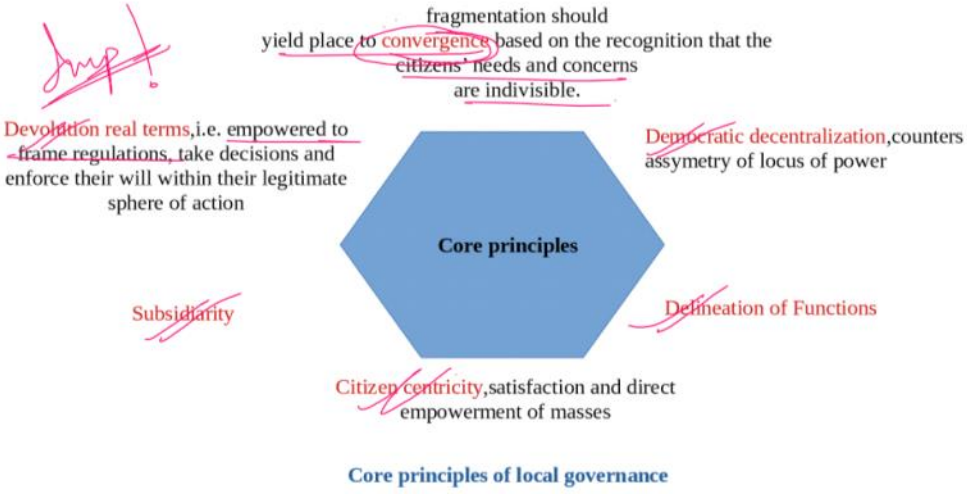
- Delay in enactment of Whistle blower Protection Act
    - Passed in 2014
    - Not operationalised yet
    - Amendments - make whistle blowers liable for prosecution under OSA
- No proper monitoring, Performance Management divisions
- Open, relevant and publicly accessible govt data & records still far fetched
- Sealed envelopes as modus operandi, even in SC

Participatory Governance

- Bottom up approach
- 73rd and 74th CAA
- Participation of people in decision making at the grassroots level
- Decentralisation of power to local self governing bodies
- Initiatives
    - Social audit
        - 'jansunwai' -- public hearing
        - Initiated by MKSS in 1990s
        - Now mandatory under statutes, eg MNREGA
        - Promotes environmental democracy
    - Resident Welfare Associations
        - State specific initiatives
        - First point of contact for state utilities while planning development related & other charges
    - Bhagidari scheme of Delhi govt
        - Monthly meetings of RWAs
        - Community mobilised to take responsibility for respective zones/ areas
    - People's Plan Campaign PPC (Kerala)
        - Expt in 1996, scrapped later
        - Local govts reqd to make own FYP with direct engagement of public
        - Accompanied by devolution of funds from state dvpment budget
- 2nd ARC
    -



Core principles of local governance

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Recommendations:

1. **Administrative**
   - Collegium based appointment of state election commisioner
   - Qualifications of State Finance Commision members should be prescribed through an Act
   - Outsourcing of activites to public/private agencies

2. **Accountability & Transparency**
   - Regular audits . E.g. Meghalaya social audit
   - Local body ombudsman
   - Doing away with the institution of Parastatals. Following the steps taken by Kerala and Karnataka,District Rural Development Authority should be merged with Zila Parishads.

3. **Technology**
   - process simplification and single window delivery of services.

4. **Revenue**
   - Land banks available with the municipalities as well as with the development authorities should be leveraged for generating resources for the municipalities.
   - broadening and deepening of the revenue base of local governments. (Panchayats received 95 per cent of their revenues from the devolved funds from the centre/state, while generating only 5 per cent from own resources,Economc Survery,'18)

5. **Social infrastructure**
   - Installing a hierarchy of metering systems with water usage charges could help in identifying pilferage in water usage.
   - Sewerage Management
   - Solid Waste Management and Scavenging

6. **Misc:**
   - regulate the Real Estate sector
   - alleviating urban poverty in a time-bound and systematic manner,with a thrust on upgradation of skills and training
   - Redevelopment of Slums in Urban Areas and Land Use Reservation for the Poor

Accountability

Accountability

- Making public official answerable for their behaviour
- Responsive to entity from which they derive their authority

- Must submit themselves to scrutiny
- Establishing criteria to measure performance of public officials
    - + oversight mechanisms to ensure standards are met
- Transparency critical for accountability

- 3 things
    - Answerability -- obligation
    - Enforceability
        - Can sanction offending party
        - Remedy contravening behaviour
    - Grievance redressal

Why

- Prevents public servants from turning into tyrants
- Avoid conflicts of interest
- Promote justice, equality and egalitarianism
- Legitimacy to public services
- Motivation for public servants to discharge duty with honesty, integrity, efficiency

Institutions & Mechanisms

Broad categories of institutions

- Vertical (outside the state)
- Horizontal (within the state)

Vertical Institutions - outside the state

- Citizens through elections • Electoral reforms • Democratic maturity of people - Citizens through RTI Act	High effectiveness
- Citizens' oversight committees - Civil society/ watchdog bodies - Media	Low effectiveness
- Service delivery surveys - Citizens' charters	Low to medium effectiveness
- Integrity pacts - Citizen report cards - Whistle Blowers	

Horizontal Institutions - within the state

External (Outside the Executive)	Internal (Within the Executive)
- Parliament - Judiciary • Independence • Separation of power • Upholding rule of law - Lokayukta - CAG - CVC	- Superior officers • Rewards/ punishments • Disciplinary procedures • Performance management system - CBI/ police/ vigilance - Internal audit - Grievance Redressal Mechanisms - Disciplinary Procedures

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• empowerment in letter & spirit • For all oversight mechanisms	• Prevention of Corruption Act • OSA - e-Governance mechanisms • PRAGATI, NeGP

Responsibility

- Accountability to oneself; even when not covered by law ⚖
- Moral concept, based on ethical reasoning
- More enduring than accountability
- Accountability -- for consequences of actions/ decisions
- v/s consequences not necessarily attached to responsibility
- Expects a person to be reliable and dependable to complete the tasks assigned to them

? RTI

Citizen's Charters

Lokpal & Lokayukta

E-Governance

Other measures

Work Culture

Ways in which rules/ regulations, policies, traditions/ rituals, shared values, beliefs and practices contribute to the unique social and psychological environment in an organisation

Potential of healthy work culture

- Attracts and retains talented staff
- Drives engagement and retention
- Environment for healthy development
- Satisfied employees, with increased productivity
- Drives financial performance

Essentials of a healthy work culture

- Social/ emotional well being - fostering relationships
- Physical well being - promote healthy lifestyle
- Quality of work life balance
- Mental well being
- Supportive workplace - safe & conducive work environment

Traits of healthy work culture for bureaucracy

- Administrative hierarchy
  - Clear division of work
- Rules and procedures
  - Consistent, written, rational, impersonal
- Communication and consultation
  - Free flow of information among all depts and levels

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- Process simplification
    - Ensure rationality and simplicity
    - Regular updates
- Inclusivity
    - Motivate employees from diverse cultural backgrounds
- Responsiveness on social media
- e-bureaucracy

Ethical Work Culture

- Good ethics = good business
- Higher employee job satisfaction
- Trust in workplace
- Organisational commitment and cooperation towards stated objectives
- Accountability and transparency
- Facilitates conflict management
- Increases legal compliance, rule-following => lower regulatory risks
- Unethical work culture potentially leads to corporate frauds & bankruptcy
    - Eg. Enron, Lehman Brothers, Satyam, etc

General Strategies for Ethical work culture

- Explicit core values - clearly stated principles
- Well crafted mission statement
- Communicate clear expectations of good ethics
- Putting ethics at the center
- Ethical leadership
- Training and mentoring - formal ethics training programme
- Feedback mechanism

Specific Strategies for Ethical work culture

- Effective implementation of instruments like Citizen Charters, etc
- Increased adoption of IT
- Rationalisation of procedures
- Biometric attendance, timely reporting in office & meetings, regular feedback and updates
- Strengthen internal accountability mechanism
- Amend laws & rules for optimum balance b/w transparency & secrecy
- Zero tolerance against corruption
- Changes in training processes
- Eliminate political interference
- Adequate protection against misuse of legal instruments like RTI, SC/ST Atrocities Act, etc
- Enabling work environment

WFH and work culture

- Divergence from current setup
    - Colleagues and teams siloed from each other
    - Feelings of isolation among remote employees
    - Harder to foster enthusiasm about building and growing a business
        - More transactional perception of relationship with organisation
    - Difficult to achieve trust, connection & mutual purpose
- Positives
    - Lesser distractions and increased productivity

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        - More flexible environment, no commute time, better work life balance, more relaxed state of mind
    - Telecommunication
        - Coordination among employees in different cities
        - Flexibility in team formation
    - Bigger talent pool as no geographical restrictions
    - Higher retention
- Way forward
    - Clear expectations for every employee
    - Clear schedule and regular check-ins
    - Personal touch
    - Using tech to simulate reality as far as possible
    - Engage & coach your remote employees

Quality of Service Delivery

Overview
- Dependence on public provision in low income democracies
- Absence of market/ poverty
- Quality affects economic growth via impact on poverty alleviation, human capital formation, corruption
- Key challenges in India: incentives, transparency, state capacity

Objectives
- Deliver social protection to poor & vulnerable
- Reduce inequitable distribution of resources
- Correct historical inequities
- Targeted delivery
- Improvements in human capital
    - Causal impact on economic growth

Challenges & issues
- Rigid and inflexible rules & procedures
- Excessive adherence to rules, regulations, procedures & methods
    - Lack of initiative, creativity & innovation in public service delivery
- Misaligned incentives of politicians with electorates
- Govt ownership of resources, monopoly over provision causes poor quality
- Lack of incentive to be efficient in traditional accountability mechanisms
    - Legislative & administrative control
    - Dept hierarchies
- Excessive power in officials hiding behind rules, regulations, procedures, methods, bye-laws to delay services, engage in corrupt practices

Mechanisms for effective public service delivery
- Inculcation of public service ethos in institutions and individuals
    - Compassion, empathy etc in training modules
    - Character building exercises
- Social accountability must complement traditional accountability process eg. MNREGA social audit
- Rights based approach
    - Focus on attainment of minimum conditions for living with dignity
    - Lays groundwork for state accountability & action

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- Measures
  - Constitutional status to PRIs
  - RTI, RTE, Right to Food (NFSA), NHM
  - Right to Public Services Acts by many states
  - Model Social Audit mechanisms of Andhra, Meghalaya
- Periodic review of procedures, methods, rules & regulations
- Privatisation and outsourcing for better service delivery
  - Better efficiency & quality
  - Profit seeking => cost cutting, deployment of better tech, greater attention to customer satisfaction

Good examples

Utilisation of Public Funds

- Public fund: money generated by govt to provide goods and services to general public
- Govt holds it as custodian

Issues
- Misuse for political purposes
- Bottlenecks in smooth flow due to too little delegation

Existing framework
- Annual presentation of budget in LS -- transparency in utilisation
- Assessments & Audits - CAG financial audits -- economy, efficiency, effectiveness
- PFMS Public Fund Management System - transparency in DBT
- FRBM - institutionalise financial discipline

Strategies for better utilisation of public funds
- Continuously update and institutionalise processes
    - Focus on relevance, impact & durability of outcomes
    - Efficiency & Effectiveness
- Bring in transparency & value for public money
    - E-governance on larger scale
    - End-to-end e-procurement
    - Administrative simplification
- Citizen awareness
- Effective institutional mechanisms across sectors
    - Emulate good practices
    - CAG financial audits, DBTs, social audits, adherence to FRBM, PFMS, etc
- Regulatory and propriety made fundamental
    - Regularity - compliant with relevant legislation
    - Propriety - meeting high standards of public conduct wrt use of public funds
- Ethics training as a valuable tool
- Success Story
    - Laos PFM - budget execution done through IT system called FMIS Financial Management Information System; funded by World Bank -- easier, faster & more transparent reporting and auditing

Challenge of Corruption

Definition:
World Bank: abuse of public funds and/ or office for private or political gains

2 broad types
- Coercive
    - When one is forced to bribe to get a job done to which they are otherwise entitled
    - Endemic to routine govt activities
    - Petty payments for facilitation of legal entitlements
- Collaborative/ big ticket/ collusive
    - Involves high officials, ministers, corporates, MNCs
    - All involved parties gains substantial pecuniary benefits
    - Public: ultimate loser
    - Nexus, difficult to prove as both sides are beneficiaries

Lord Acton: power tends to corrupt and absolute power corrupts absolutely.

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Dr APJ Abdul Kalam

- Erosion of conscience and lack of righteousness arise from never ending attitude of greed
- Reasons:
    - Failure of inculcation of virtue ethics in individual character ethics, work/ professional ethics, parental ethics at all levels

Kautilya

- Honey/ poison on tongue: can't help but taste it
- Fish in water: don't know if drinking water or not

Causes of Corruption in India

- Administrative
    - Criminalisation of politics
    - Politicisation of bureaucracy
    - Colonial bureaucracy
    - Failed administrative reforms
    - Low wages of public servants, lack of career growth opportunities
    - Judicial failure - delays and pendency
    - Lack of effective grievance redress mechanisms
- Economic
    - High share of informal sector
    - Ease of doing business
    - High inequalities
- Political
    - Use of black money in elections
    - Criminalisation of politics
    - Crony capitalism
- Social & Ethical
    - Increasing individualisation & materialism
    - Social discrimination
    - Failure of education system to impart values

Impact

Corruption Perceptions Index (TI) - India: 80th/ 180 (2020)?

- Ethical
    - Black money
    - Unethical culture where means do not necessarily justify the end
    - Honesty no longer remains a practiced virtue
    - Cycle of vengeance
- Political
    - Implications for democracy
        - EIU's Democracy Index, 2020: (The Economist Intelligence Unit)
            - India 57th/ 167 -- flawed democracy
            - Erosion of civil liberties
    - General disinterest in political process
- Social

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    - Corruption erodes trust in govt
    - Undermines social contract - Hobbes
    - Honest are victimised
    - Competent candidates pushed away from public services
    - Culture of lethargy -- slow development
- Economic
    - Cost overruns
    - Promotions/ postings not based on merit
    - Reduced effectiveness of govt programmes
        - Impact on public infrastructure
    - Investment impeded
        - consequent effects on growth and jobs
    - Adverse effects on human development
        - Poor HDI indicators
    - Poor disproportionately affected
        - Cost of basic services increases
        - Shifts govt expenditure from priority areas to where max rent seeking

Indian Perspectives

- Weak legal framework for punitive action
    - Low risk, high profit business
    - Ill defined policies, weak regulatory frameworks
    - Large indiscretion among ministers, high public officials
    - Crony capitalism
    - Slow, time consuming judicial process
    - Provision of 'innocent till proven guilty' misused
    - Joint Secy & above can't be prosecuted w/o prior govt permission
- Political corruption
    - Huge money spent
    - Quid pro quo funding by business houses
    - Flaws in electoral rolls, lack of voter education, booth capturing, intimidation
    - Criminalisation
- Economic policy and controlled economy
    - License Permit Raj - vast discretionary powers with public officials
    - Bureaucratic red tape abets corruption
        - ***Robert Murton***: when the rule becomes more important than the game itself.
    - Over regulation combined with weak state fosters corruption
- Rise of elites & post liberalisation corruption
    - Nexus: big business, politicians & bureaucrat
    - Culture of impunity & repeat corruption fostered by bribery
    - Perception that govt and bureaucracies are up for sale to highest bidder
    - Functioning of public institutions undermined
    - Global Financial Integrity
        - Deregulation and trade liberalisation are main drivers of illicit flow of money abroad
- MNCs and lobbying
    - Lobbying = any activity of a group or individual with special interest designed to influence the legislative or regulatory actions of a public authority
    - Different from bribery

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        - Bribery - illegal; prioritises private gains over public interest
        - Lobbying - can be without using extortive and corrupt means; erodes democratic ideals of participation

Tackling Corruption

- Ingrain ethical organisational culture
    - Regular ethical training modules
    - Effective employee participation
    - Transmission of positive values
    - 2nd ARC: poor organisational culture -> degradation of values, corruption
- Strict adherence to Code of Conduct & Code of Ethics
- Power of the people
    - Attitudinal change
    - Refrain from bribing 'speed money'
    - Citizen stakeholders in their country
- Effective implementation of institutional measures
- Power of technology
    - Open, simple, citizen centric processes
    - e-auctions -- coal, spectrum; online passport services, DBT, cashless transactions
    - e-governance
- Act globally and locally
    - Turn it into a mass movement
    - UN Anti Corruption Working Group
    - WB Anti Corruption Initiatives
    - Eg. ChileCompra - e-commerce public procurement system of Chile
    - M-Pesa in Africa, Afghanistan - easy money transfer + reduced corruption

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Mgmt RBI Notes

27 October 2021 10:49

Communication

- 5 components of communication
  i. Sender
  ii. Recipient
  iii. Message
  iv. Desired response
  v. Form of message
- Shannon & Weaver – 8 components of process of communication
  i. Sender
  ii. Encoding
  iii. Message
  iv. Channel
  v. Noise
  vi. Decoding
  vii. Recipient
  viii. Feedback
- Distinctions
  - Formal vs informal
  - Upward vs downward vs lateral
- Barriers to effective communication
  - Semantic barriers
  - Ideology
  - Dogmatism
  - Halo effect
  - Stereotyping
  - Filtering
  - __
- Features of effective communication
  - Adequacy
  - Consistency
  - Clarity
  - Flexibility
  - Acceptability
  - Timeliness
  - Uniformity
  - Accessibility
- Role of IT
  - Faster, cheaper
  - Also add how it helps each dimension of effective communication listed above
- Models of communication
  - Star
  - Circular
  - Chain
  - All to all
  - Inverted V
  - Inverted Y

Corporate governance

- 3 components according to SEBI
  - Shareholders as true owners
  - Management as trustees
  - Distinction b/w personal interests of management and company's interests
  - Adherence to values of corporate governance by the management
- Principles of corporate governance
  - Equitable and fair treatment to all shareholders
  - Interests of other stakeholders – CSR,
  - Role and responsibilities of the board
  - Independent directors
  - Integrity and ethical behaviour
  - Transparency and disclosure
- Factors affecting corporate governance
  - Ownership structure – family owned vs PSU vs private vs limited liability partnership etc
  - Financial structure – debt vs equity
  - Policies and laws of the country
  - Competence of the board of directors
  - Presence of independent directors on the board
  - Remuneration of the directors
  - Effective auditing mechanisms
  - Grievance redressal mechanism for shareholders/ stakeholders
  - Transparency
  - Effective whistle-blower policy
- Mechanisms
  - Internal
    - Internal audits
    - Board of directors
    - Independent directors
    - Ownership concentration
    - Remuneration of directors
  - External
    - Financial markets
    - External audits
    - Acts and regulations

Management

- Significance
  - Coordinates other 4 economic inputs – money, manpower, machinery, materials
  - Responsible for planning, organising, directing and controlling
- Features of mgmt
  - Goal oriented
  - Universal
  - Integrative force
  - Continuous process
  - Interactive
  - Social process
  - Integrative process
  - Intangible
  - Art + science
    - Art
      - Practical knowledge
      - Personal skills
      - Result oriented approach
      - Creativity
    - Science
      - Universal principles
      - Systematic body of knowledge
      - Scientific enquiry and experiments
      - Cause and effect relationship
- Importance
  - Achievement of goals
  - Optimal utilisation of resources
  - Cost minimisation
  - Resource conservation
  - Employment generation
  - Growth and development agenda of nation
  - Survival and growth of organisation
- Functions – Koontz & O'Donnell
  - Organising
  - Staffing – manpower planning, recruitment, selection, training, monitoring, appraisal, remuneration, promotion & transfers
  - Planning – SMART objectives (specific, measurable, achievable, realistic, time bound)
  - Controlling – standard setting, performance measurement, evaluation/ comparison, corrective action
  - Directing – communication, motivation, supervision, leadership
- Management vs administration
  - Getting things done vs formulation of plans
  - Executive vs planning/ decision making
  - Decides who vs decides what
  - Technical & human skills vs conceptual & human skills
  - Middle & lower-level function vs top level function
- Schools of management
  - Scientific – FW Taylor
    - Employee-job matching to maximise efficiency
    - Use of scientific methods to arrive at such matching rather than rules of thumb
    - Continuous evaluation

        - Division of work between management and workers such that former does the planning and latter does the execution
    - Classical – Fayol & Weber
        - 3 major principles
            - Hierarchical
            - Specialisation – assembly line view
            - Incentives – financial
        - 14 principles by Fayol
            - Division of work
            - Authority and responsibility
            - Discipline
            - Unity of command
            - Unity of direction
            - Subordination of individual interest to general interest
            - Remuneration of personnel
            - Centralisation
            - Scalar chain
            - Order
            - Equity – kindness + justice
            - Stability of tenure
            - Initiative
            - Team spirit
    - Behavioural – Mayo & Hawthorne
        - Work is a group activity
        - Need for recognition, social acceptance & sense of belonging >> physical conditions of work
        - Strongly influenced by social demands – attitudes & Effectiveness
        - Informal groups exert strong social pressure even within the organisation

MBO Management by Objectives

- By Peter Drucker
- 3 components
  - Employer and employees come together to identify common goals
  - Employees set their goals to be achieved
  - Evaluation criteria also identified to measure attainment of goals
- Features
  - Participative goal setting
- Benefits
  - Participative
  - Everyone has clear idea of aims, roles and responsibilities
  - Clarity of goals to employees
  - Feeling of responsibility
  - Motivated
  - Delegation of authority
- Drawbacks
  - Appealing in theory, bureaucratic and time consuming in practice
  - Goal setting doesn't guarantee attainment
  - Moral hazard in letting employees set own goals
  - May not be exactly aligned with organisation's goals
  - May not be able to reach middle ground
- Process
  - Set MBO goals
  - Set and align employee goals
  - Monitor progress and performance continuously
  - Evaluate
  - Reward employee

Delegation

- 3 components
  - Authority
    - Power and right of a person to use and allocate resources effectively
    - Must be well defined
    - Clear idea of scope of authority
    - No misutilisation
    - Flows from top to bottom
    - Must be accompanied by equal amount of responsibility
    - Delegation of authority =/= delegation of accountability
  - Responsibility
    - Duty of the person to complete assigned tasks
    - Responsibility without authority => discontent, dissatisfaction
    - Flows from bottom to top
  - Accountability
    - Explanation for variance in performance vis a vis set goals
    - Can't be delegated
    - Top level management most accountable
- Authority vs responsibility

Authority	Responsibility
It is the legal right of a person or a superior to command his subordinates.	It is the obligation of subordinate to perform the work assigned to him.
Authority is attached to the position of a superior in concern.	Responsibility arises out of superior-subordinate relationship in which subordinate agrees to carry out duty given to him.
Authority can be delegated by a superior to a subordinate	Responsibility cannot be shifted and is absolute
It flows from top to bottom.	It flows from bottom to top.

  -
- Principles of delegation
  - Principle of results expected
  - Principle of parity of authority and responsibility
  - Principle of jurisdiction of authority
  - Principle of absolute responsibility
- Benefits of delegation
  - Better decision making
  - Motivation of employees/ subordinates
  - Efficiency
  - Democratisation
  - New skills
  - Organisational growth
- Centralisation vs decentralisation
  - Centralisation – everything at lower levels subject to approval of top levels
  - Decentralisation – systematic delegation of authority at all levels
- Factors affecting centralisation/ decentralisation
  - External environment in which firm operates – more complex => more centralisation
  - Nature of decision
  - Abilities of low-level managers
- Implications of decentralisation
  - Same as delegation
  - ++ coordination may be difficult to some extent due to delegation of authority to multiple levels
- Delegation vs decentralisation

Area	Delegation	Decentralization
Meaning	Managers delegate some of their function and author their subordinates.	Right to take decisions is shared by top manage and other level of management
Scope	Scope of delegation is limited as superior delegate powers to the subordinates on individual bases.	Scope is wide as the decision making is shared b subordinates also
Responsibility	Responsibility remains of the managers and cann delegated	Responsibility is also delegated to subordinates.
Freedom of W	Freedom is not given to the subordinates as they ha work as per the instructions of their superiors	Freedom to work can be maintained by subordinat they are free to take decision and to implement it
Need on purpo	Delegation is important in all concerns whether big or s No enterprises can work without delegation.	Decentralization becomes more important in concerns and it depends upon the decision made b enterprise, it is not compulsory.
Grant of Autho	The authority is granted by one individual to another.	It is a systematic act which takes place at all levels at all functions in a concern.
Grant Responsibility	Responsibility cannot be delegated	Authority with responsibility is delegated subordinates.
Degree	Degree of delegation varies from concern to concer department to department.	Decentralization is total by nature. It spreads throu the organization i.e. at all levels and all functions
Process	Delegation is a process which explains sup subordinates relationship	It is an outcome which explains relationship betwe management and all other departments.
Withdrawal	Delegated authority can be taken back.	It is considered as a general policy of top manage and is applicable to all departments.

HRD

- TV Rao: father of HRD in India – laid out 3 components
  - Acquisition/ sharpening of capabilities
  - Development of general abilities as individuals
  - Building organisational culture
- LnT – first firm to introduce HRD in India
- HRD vs HRM
  - HRD: improving group, organisational and individual effectiveness
  - HRM: obtaining, maintaining and developing employees
- 4 functions of HRD
  - Training and development
  - Organisation development
  - Career development
  - Job design
- Job design
  - Humans approach – job should gratify individual's need for recognition, respect, growth & responsibility
  - Engineering approach – scientific analysis, fragmentation of task by management
  - Job characteristics approach – based on 5 dimensions of skill variety, task identity, task significance, autonomy, feedback
- Job evaluation
  - Non-analytical methods – ranking, grading
  - Analytical – factor comparison, point ranking method
- Performance appraisal
  - Factors – job knowledge, quantity & quality of output, initiative, leadership abilities, supervision, dependability, cooperation, judgment, versatility
  - Importance – promotions, remuneration, training, development, motivation
  - Biases
    - first impression (primacy effect)
    - halo effect
    - horn effect
    - central tendency
    - personal biases
    - spill over effect – based on (distant) past
    - recent effect
    - stereotyping
  - Steps – standard setting, communication of expected standards, measurement, comparison, discussing appraisal with employees, initiating corrective action
  - Methods
    -

Traditional Methods	*Modern Methods*
1. Ranking method	1. Management by Objectives (MBO)
2. Paired comparison	2. Behaviourally anchored rating scales
3. Grading	3. Assessment centres
4. Forced distribution method	4. 360-degree appraisal
5. Forced choice method	5. Cost accounting method
6. Checklist method	
7. Critical incidents method	
8. Graphic scale method	
9. Essay method	
10. Field review method	
11. Confidential report	

  - Potential appraisal

- Performance counselling
  - Elements – environment of trust, confidence & openness; feel free to participate w/o fear; employee development not criticism
  - Types
    - Directive – counsellor centred; assumes client can't solve problems himself
    - Non-directive – client centred
    - Eclectic – neither
- Employee welfare theories
  - Policing theory – govt acts as police to prevent exploitation
  - Religion theory
  - Philanthropic theory
  - Paternalistic theory
  - Placating theory
  - Public relations
  - Functional theory
  - Social theory
- Effective reward system
  - Equitable
  - Visible
  - Low cost
  - Flexible
  - Use of team rewards for interdependent job
- Career planning
  - Career anchors – managerial competence, technical competence, security, creativity, autonomy
- Training vs development

Training	Development
Training means learnings skills and knowledge for doing a particular job. It increases job skills.	Development means the gorwth of an employee in all respects. It shapes attitudes.
The term 'training' is generally used to denote imparting specific skills among operative workers and employees.	The term 'development' is associated with the overall growth of the executives.
Training is concerned with maintaining and improving current job performance. Thus, it has a short-term perspective.	Executive development seeks to develop competence and skills for future performance Thus, it has a long-term perspective.
Training is job-centred in nature.	Development is career-centred in nature.
The role of trainer or supervisor is very important in training.	All development is 'self development'. The executive has to be internally motivated for self-development

- Kirkpatrick model of training evaluation

- Training methods
  - On the job – coaching, mentoring, job rotation, apprenticeship, understudy
  - Off the job – lectures & conferences, vestibule training, simulation exercise, sensitivity training
- 6 thinking hats by Edward de Bono

- HR outsourcing benefits
  - Cost savings, specialisation, risk management, efficiency, employee development
- Lateral thinking steps
  - Random entry idea generating tool -
  - Provocation idea generating tool – use of statement that is wrong/ impossible to create new ideas - eg. Factory is downstream of itself
  - Movement techniques – extraction of principle/ focus on difference/ positive aspects/ special circumstances etc
  - Challenge idea generating tool – non threatening 'why?'
  - Concept fan idea generating tool -
  - Disproving

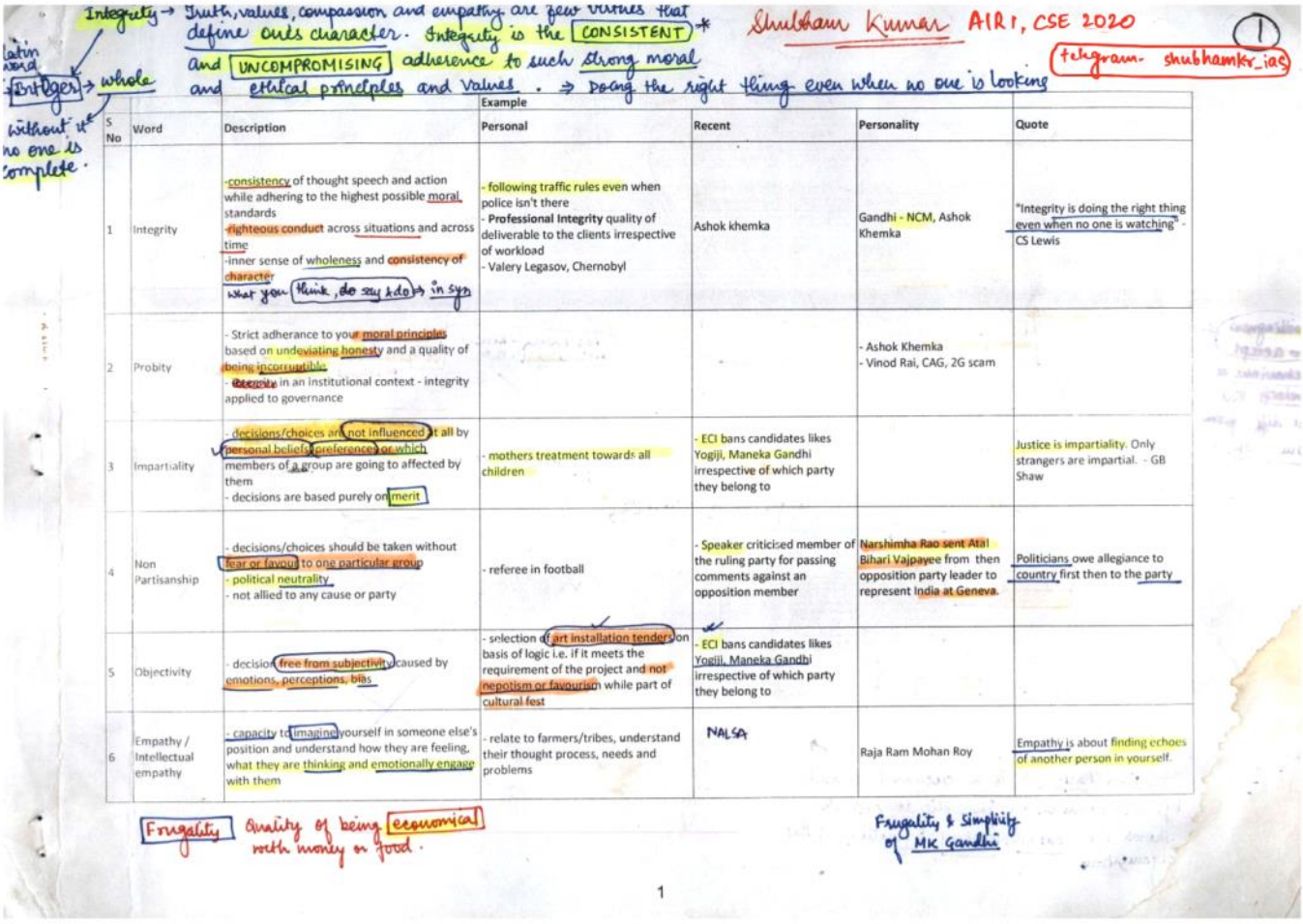
Organisation

Ethics

- PLUS model of testing ethicality of action
  - P – policies
  - L – legal
  - U – universal
  - S – self
- Taylor 4-way test
  - Truth
  - Fair to all concerned
  - Will it build goodwill and friendship?
  - Beneficial to all concerned?

Shubham Kumar Goldmine

29 October 2021 16:03



Integrity → Truth, values, compassion and empathy are few virtues that define one's character. Integrity is the CONSISTENT * and UNCOMPROMISING adherence to such strong moral and ethical principles and values. ⇒ Doing the right thing even when no one is looking

Latin word → Integer → whole

without it no one is complete.

Shubham Kumar AIR 1, CSE 2020

telegram: shubhamkr_ias

S No	Word	Description	Example: Personal	Example: Recent	Example: Personality	Example: Quote
1	Integrity	-consistency of thought speech and action while adhering to the highest possible moral standards -righteous conduct across situations and across time -inner sense of wholeness and consistency of character what you think, do say & do → in sync	- following traffic rules even when police isn't there - **Professional Integrity** quality of deliverable to the clients irrespective of workload - Valery Legasov, Chernobyl	Ashok khemka	Gandhi - NCM, Ashok Khemka	"Integrity is doing the right thing even when no one is watching" - CS Lewis
2	Probity	- Strict adherance to your moral principles based on undeviating honesty and a quality of being incorruptible. - observe in an institutional context - integrity applied to governance			- Ashok Khemka - Vinod Rai, CAG, 2G scam	
3	Impartiality	- decisions/choices are not influenced at all by personal beliefs/preferences or which members of a group are going to affected by them - decisions are based purely on merit	- mothers treatment towards all children	- ECI bans candidates likes Yogiji, Maneka Gandhi irrespective of which party they belong to		Justice is impartiality. Only strangers are impartial. - GB Shaw
4	Non Partisanship	- decisions/choices should be taken without fear or favour to one particular group - political neutrality - not allied to any cause or party	- referee in football	- Speaker criticised member of the ruling party for passing comments against an opposition member	Narshimha Rao sent Atal Bihari Vajpayee from then opposition party leader to represent India at Geneva.	Politicians owe allegiance to country first then to the party
5	Objectivity	- decision free from subjectivity caused by emotions, perceptions, bias	- selection of art installation tenders on basis of logic i.e. if it meets the requirement of the project and not nepotism or favourism while part of cultural fest	- ECI bans candidates likes Yogiji, Maneka Gandhi irrespective of which party they belong to		
6	Empathy / Intellectual empathy	- capacity to imagine yourself in someone else's position and understand how they are feeling, what they are thinking and emotionally engage with them	- relate to farmers/tribes, understand their thought process, needs and problems	NALSA	Raja Ram Mohan Roy	Empathy is about finding echoes of another person in yourself.

Frugality → Quality of being economical with money or food.

Frugality & Simplicity of MK Gandhi

1

SHR
AIR 71

②

S No	Word	Description	Example Personal	Recent	Personality	Quote
7	Sympathy	- acknowledging another person's hardships, feeling pity for them, but not able to relate to them or imagine yourself in their position	- feeling sad for poor condition of workers/labourers even if they aren't related to you	Alumni Network (IIT) NALSA		
8	Tolerance	- acceptance of beliefs, actions and practices that one consideres to be incorrect but still tolerable to the extent that they should not be prohibited - exercise restraint in sensitive matters - allows people to live together peacefully	- parents tolerate the tantrums of children			"In order to maintain a tolerant society the society must be intolerant of the intolerance"
9	Compassion	- desire to alleviate someone else's suffering	- helping a child labor by reaching out to NGO - helped a wounded dog in my society with the assisstance of an NGO Sanjay Gandhi animal care centre - Motherconcern NGO, fundraising for 4yr burn victim, hospital visit - Pregnant cat at hostel - Hurt peacock, booked ambulance	OM Kasera - Kota. P. Narahari - PwD (Gwalior DM) - Shehzad and Saud, Delhi's self-taught vets, two brothers who have been running a wildlife rescue center for injured birds for over 15 years. Girl → wheelchair for dog (JN)	Compassionate Kozhikode (Prashant Nair) - Gwalior Collector, P. Narahari worked for persons with disabilities - IPS Aslam Khan, dedicates half her salary to deceased - Divya Dirarajan	- Operation Sulaimani "Love and compassion are necessities, not luxuries. Without them, humanity cannot survive." - Dalai Lama
10	Dedication to Public Service	- deep rooted commitment and devotion towards the welfare of the public	langer during COVID (Guru dwara)	Parameswaran Iyer, a retired IAS officer who returened from USA to head Indian cleanliness drive 'Swachch Bharat Mission'.	Kailash Satyarthi - E. Shreedharan	
11	Responsibility	- self imposed obligation to do one's job - difficult to impose - penalty: shame or guilt	- I am responsible for my marks	Yuva Brigade of Karnataka → make over of Shiva temple	Durgashakti Nagpal - sand mafia	Price of greatness is responsibility - Winston Churchill
12	Answerability	- obligation to give justification for one's action - easy to enforce - penalty	- accountable to boss but answerable to parents	- Hong kong protestors apologize for the harm caused due to protests	~~Willy Brandt at Warsaw Ghetto~~	

willingness to accept behaviour & beliefs that are diff. from our own.

CC (Citizen Charter) → is a document released by an organization in public domain & shows the nature, working & functions of that organization

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S No	Word	Description	Example			
			Personal	Recent	Personality	Quote
13	Accountabilty	- answerability supplemented with sanctions	Going to office on time - accountable to boss but answerable to parents	- Sri Lanka President and Army cheif took responsility of recent bombings -ve Elphinstone bridge stampede in Mumbai, lack of R by DMC and highway authority	- Vikram Sarabhai, ISRO	"its wrong and immoral to seek escape the consequense of ones acts" MKG
14	Commitment	Obligation towards a task through a formal agreement (dedicated)	- commitment to parents to make them happy	- Kiran Bedi, governor of Pondicherry, lake cleaning/revival in the UT	Afroj Shah (Versova Beach clean up), Manjhi the mountain man	
15	Dedication	Sense of deep rooted committment to devote oneslf to a cause	Our parent dedicated their lives for us to get an educated life	- Healing Himalayas (Pradeep Sanghvi) - a Pune-based professor has shunned the use electricity, for environmental reason, for over seven decades.	Rajendra Singh, waterman of India, Dashrath Manjhi	Daitari Nayak who hails from the mineral-rich Kenojhar district was awarded the Padma Shri early this year after his exploits of digging a canal through the Gonasika mountains came to the fore.
16	Spirit of Service	Quality of being committed to public service without any self motives.	(IIT BOMBAY) CTARA Group for rural activities, appropriate technology, connecting SnT and rural India to solve their problems via our knowledge in places like Palghar, Melghat, Pen, Ranshet etc centre for Technology Alternatives for Rural Areas	Delhi Police awareness campaign for women safety and empowerment, Nukkad natak, Advertisement	- E. Sreedharan O P Chaudhary work for naxals	Service to man is service to God - Swami Vivekananda
17	Perseverence	(continued effort) to do or achieve something despite diff, delays, opposition or failure persistence in doing something despite difficulty or delay in achieving success.	upsc preparation even after many attempts	- small group of women in Vellore who have built more than 600 recharge wells over the last four years, ensuring a six metre rise in groundwater levels, and the revival of a once-dead river.	Nelson Mandela, Yuvraj Singh	

(Selflessness)
- Ira Singhal

SHREY
AIR 71 - C

'If you tell the truth, you do not have to remember anything. M. Purna

S No	Word	Description	Example: Personal	Example: Recent (1st female amputee – Mt Everest) Arunima Sinha	Personality	Quote
19	Courage of Conviction	The state or quality of mind or spirit that enables one to face danger or fear with self-possession, confidence and resolution. To have the confidence to act or behave in accordance with one's beliefs or ideologies, especially in the face of resistance, criticism, or persecution.		Malvika Iyer (Nari Shakti Purushkar) → bilateral amputee - wing commander, Abhinandan Malavath Purna youngest girl to scale down Mt. Everest	Martin Luther King Jr.	
20	Public Service	Action taken with an intention of promoting the welfare of public; no personal benefit in return A public service is something such as health care, transport, or the removal of waste which is organized by the government or an official body in order to benefit all the people in a particular society or community. Can be taken by any public spirited person	many doctors in COVID	Afroz Shah Puducherry where a group of fishermen and scuba divers are diving with the purpose of cleaning sea beds and improving the marine ecosystem. – Amudeep & Minusha (Someshwar beech)	E. Sreedharan	Service to man is service to God - Swami Vivekananda
21	Openness	- collaborative or cooperative decision making - unrestricted access to knowledge and information	- While managing the cultural festival, was open to ideas from juniors democratic family	SWAYAM portal, SC directive to translate judgements in regional languages Live proceedings of court.		
22	Transparency	UNDP has perceived that transparency means "sharing information and acting in an open manner"	While working as hostel general secretary uploaded all the expenditure bills on hostel website	AAP Party listing its donations and donor names online for public		
23	Fortitude	Fortitude refers to the strength of mind that gives one the capacity to endure adversity with courage	Fasting, Earth hour	- Hungerstrike, Satyagraha, Paryushana	Nadia Murad, Denis Mukwege (DRC), Dutee Chand, Caster Semenya	
24	Personal Ethics	Personal ethics is a category of philosophy that determines what an individual believes about morality and right and wrong (Morals)	Refusal to copy in exams			
25	Professional Ethics	Professional ethics are principles that govern the behaviour of a person or group in a business environment	Dissuading the practice of Insider Trading			

Ethics → The judgement of right and wrong, what to do and what not to do, how one ought to act, forms the ethics

Ethical work culture → work ethics of each individual along with implementation of stringent CoC and CC (charter) without any exception governs EWC.

If you trust a brand → trust its products | alternatively if you find a quality product → look forward for other products from same brand → TRUST builds up

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S No	Word	Description	Example			
			Personal	Recent	Personality	Quote
26	Emotional Intelligence	It's the ability to identify and manage your emotions and those of others Self Awareness, Self Management, Social Awareness, Relationship Management		Mahesh Sharma, a Padma Shri receipent convinced tribes in Jhabua, MP to opt rain water harvesting Halma ritual ⇒ Mother Earth is Thirsty	A Paul Menon	David Caruso, "that emotional intelligence is not the opposite of intelligence, it is not the triumph of heart over head — it is the unique intersection of both."
29	RTI	Participative democracy Record keeping, sound monitoring capacity building of PIOs (public Information Officer) Creating awareness and robust GRM minimizing RTI rejections suo-moto disclosure				
30	Work Culture	- reflects the beliefs and principles of an organisation and it's employees	Professionalism - The competence or skill that is expected of a professional person in his workplace	SRO → Eg → (Amitabh) to reach on time on sets	Sachin, Vikram Sarabhai	
31	Public Servant / Public Service Delivery	Public servant: individual who works for the state → mainly duty → welfare of public → directly (Govt. servant) / indirectly through appointment by election		Rani Misti, 300 trained, SBM grameen, (Jharkhand, women mason, women empowerment)	Armstrong Pame - people's road - Manipur	
32	Citizen Charter	A document that an organization publishes for public reference & provide details of the nature, working and functions of an organization				
33	Code of Ethics	covers broad guiding principles of good behaviour and governance.	Moral sanction, Responsibility	a consortium of FB, Google, Amazon have launched a platform to promote ethical use of Artificial Intelligence.		
34	Code of Conduct	list of acceptable and unacceptable behaviour and actions in a precise and ambiguous manner	Legal sanction, Accountability	voluntary code of ethics by IAMAI for 2019 election		
35	Ethical Governance	Ethical Governance is a way of governing which infuses high standards of moral values and behaviour in every act of process				
36	Corporate Governance	Corporate governance is the system of rules, practices, and processes by which a firm is directed and controlled, ensuring fair treatment to all stakeholders. (Fair, transparent, ethical administration of corporates)				The purpose of a corporation must be redefined as creating shared value, not profit per se. This will drive the next wave of innovation and productivity growth in the global economy. - Michael Porter

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(6)

S No	Word	Description	Example			
			Personal	Recent	Personality	Quote
37	Selflessness	more concern with the needs and wishes of others	worked for NGO (mother concern) Donating blood	- a Mumbai resident repairs the city's roads one pothole at a time. Saalumarada Thimamakka planted 8k trees in last 80 years (can't have children)	Kannan Gopinathan, IAS officer from dadra nad nagar haveli toiled at kerala relief camp for 8 days without revealing his identity.	The best way to find yourself is to lose yourself in service of others - MKG
38	Sarvodaya	- development of all "progress for all" socio-economic equality				
39	Anthodaya	- development of all "progress for all" socio-economic equality Individual liberty and Development of individual skills	from below (most disadvantageous)			
40	Trusteeship	Gandhiji's socio-cultural philosophy Wealthy holds wealth not by virtue of being owners but by virtue of being trustees who look after welfare of people in general		AMUL - cooperatives		
41	Leadership	the action of leading a group of people or an organization towards a common goal is someone who steers a group or organisation towards higher ideals, visions and missions	lead a team of 55 to conduct several events in cultural festival of my college	Indian women's hockey team won FIH cup against Japan under leadership of Rani Rampal	E. Shreedharan Vikram Sarabhai Chinavi Rajawat	A leader is one who knows the way, goes the way and shows the way "A genuine leader is not a searcher for consensus, but a molder of consensus." — Martin Luther King, Jr.,
42	Personality	It is stable set of preferences and tendencies through which you approach the world				
43	Behaviour	- is an action or reaction that occurs in response to an event or internal stimuli				
44	Attitude	- learned, enduring predisposition to think, to feel and to act in a particular way - attitude shapes behaviour, actions		→ T. Srinivasacharya → Stephen Hawking		
45	Bureacratic attitude	- decisions and actions are taken based upon rules, regulations and procedures			Max Weber - developed bureaucracy	

transformative leadership

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S No	Word	Description	Example: Personal	Recent	Personality	Quote
46	Democratic attitude	- decision are taken by consensus, discussion, public opinion, deliberations		Draft education policy for public opinion, GST council		
47	Aptitude	- ability to do a particular thing in a particular manner		IIT-D students developing low cost ventilator		
48	Social Influence	- how individual thoughts, actions and feelings are influenced by social groups/outside factors	Hema Das (Assam)	Sayed Sehrish asgar, only women DC in J&K installed sanitary napkins dispensors in all schools and colleges		
49	Norms	- it is an informal understanding that governs the behaviour of society, team, office, etc				
50	Persuasion	- process of changing attitude and behaviour of target group in desired method through democratic method	COVID19 mask	P. Ponmariappan (T.N)- library		"Selling is a natural skill. It's developed as a child. You may know it as persuasion."
51	Discpline	- action or inaction regualated in accordance with the system of governance	Reaching school/office on time always buckle seat belt/ wear helmet as a part of sports team, regularly went for training sessions			A culture of discipline is not a principle of business, it is a principle of greatness.
52	Passion	High level of commitment and dedication towards a particular object or principle value neutral term, direction is important persistant and continued effort	passion for learning musical instrument - Korwa lang → Hiraman ji (Gandhi Jh)	passion of Jadav Payeng to protect the riverine island of Majuli has led to the planting of 1500 acres of forest	→ Forest man of India Dasrath Manjhi,	
53	Conscience	- internal guidance system which guides oneself to do morally right thing - resolving dillemmas - In a crisis situation we grow as a person spiritually as well as emotionally with the help of conscience	dilemma of helping beggers or encouraging them; dilemma of helping LQBTQ or encouraging them, rather help them with info. we shall respect our teachers and obey him, but when we find a teacher harassing a girl student, our conscience asks us immediately disregarding the teacher and saving the girl from his act.		- Swami vivekananda (rice stealing)	When I did not heed the voice of my conscience, the outcome was the crisis of my conscience There is a higher court than courts of justice and that is the court of conscience. It supersedes all other courts. – Mahatma Gandhi.
54	Dignity	Self respect, self worth, self importance Art 21		Lord Sri Vivekacharya Swami		Dignity ensures that 'Jiva' is treated as 'Shiva'- Vivekananda
55	Virtue	- Virtue is a moral excellance - Behaviour of showing high moral standards				

7

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(8) • Human Rights Watch Report — ('Time to deliver') → Growing menace of global migration (cc, violence, civil wars)

[Ethical IR = National Interest + Human Values]

S No	Word	Description	Example: Personal	Recent	Personality	Quote
56	Nolan Committee	Honesty, Accountability, Integrity, Selflessness, Objectivity, Leadership, Openness (mnemonic - HAI SOLO)	ARC 2 added Empathy & Compassion ('E' + Action)			
	corruption	misue of public trust and power to earn benefits at the cost of public welfare				
	sucess	is state of mind, a sense of accomplishment and satisfaction which an individual experience after achievement of their self set goals or targets				
	humanism, religion	Bethune college in kolkata offers agnostic, humanity, secular, non religious as choice of religious identity for UG applicants.				

↓ UK study ← Probity in Governance

Improve Quality of Public Service Delivery

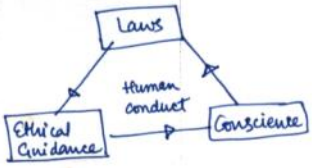
citizen Empowerment | Redress Satisfaction | Capacity Enhancement

Citizen Charter | Public Grievance Redress | Service Delivery Capacity

INTEGRATED APPROACH

Sevottam Model of Gov.

eg — During my stay in mumbai, I along with my few friends once went for a cycling trip from college campus to versova beach. I was surprised by the cleanliness of the beach. Later enquiry revealed that a local lawyer Afroz Shah is leading a beach cleaning drive. We contacted him and later actively participated in the cleaning of rock beach (next to versova)



• Accountability vs Responsibility [Accountability can't be shared but responsibility can be shared]

• constructive confrontation → eg Constituent Assembly Debates

• now → Polarised Political system

Public	vs	Private
Transparency	–	Confidentiality
Effectiveness	–	Efficiency
Commitment	–	Professionalism
Consensus	–	Autonomy
Welfareness	–	Profit

Compassionate Capitalism by Narayan Murthy

People → CG → Profit, Planet

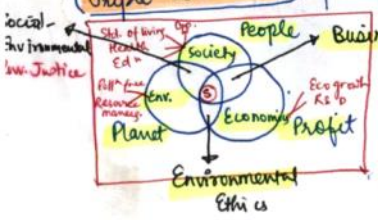
① CoE + Ethics Commissioner ← 2nd ARC → CoE under Company law with proper soft skills-training

② Soft skill (EI) training to CSs

• Triple bottom line principle : Corporate Ethics

TBL is accounting framework with 3 parts - social, env, & financial

• Some org. have adopted TBL.



Compassionate capitalism

8

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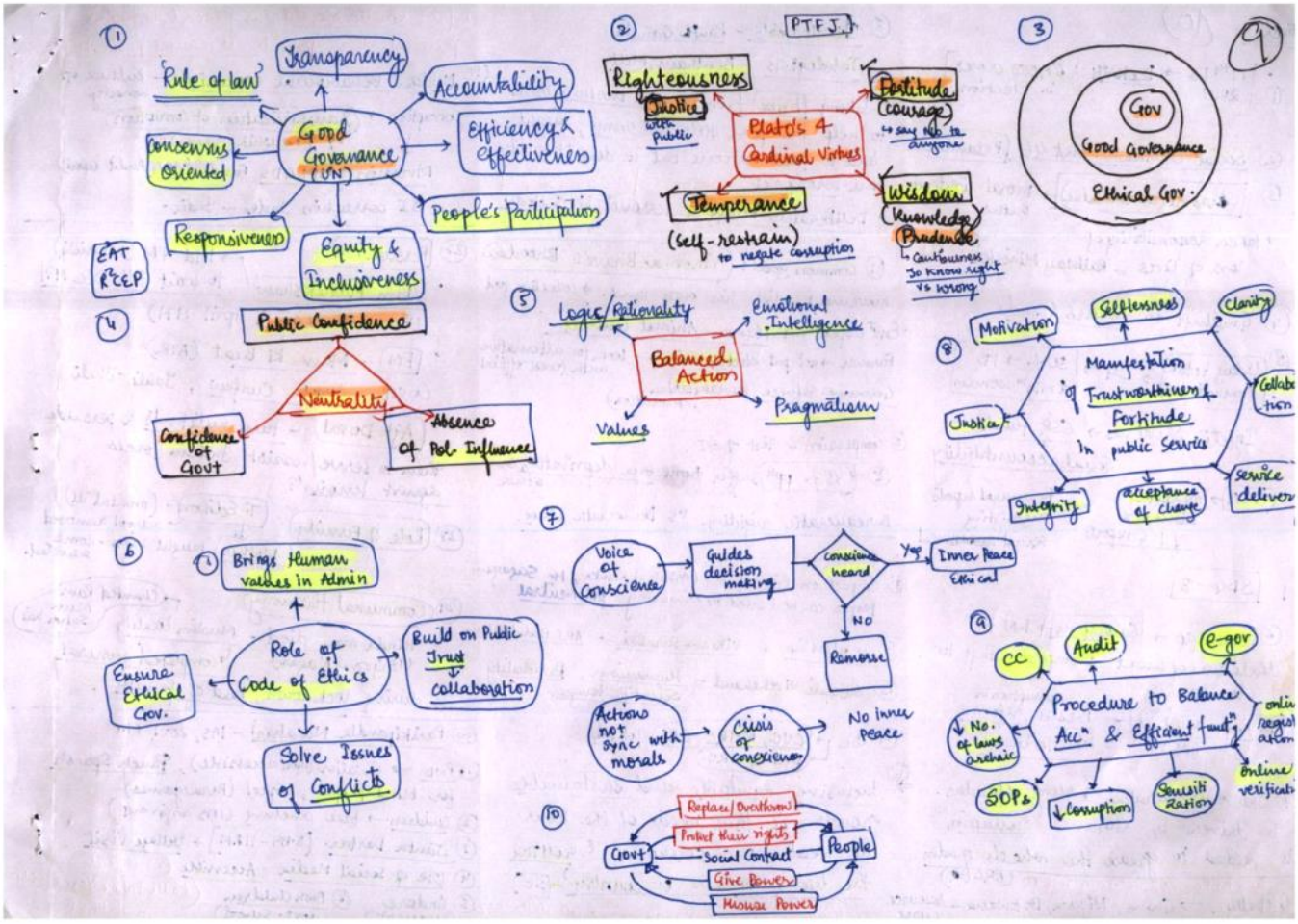

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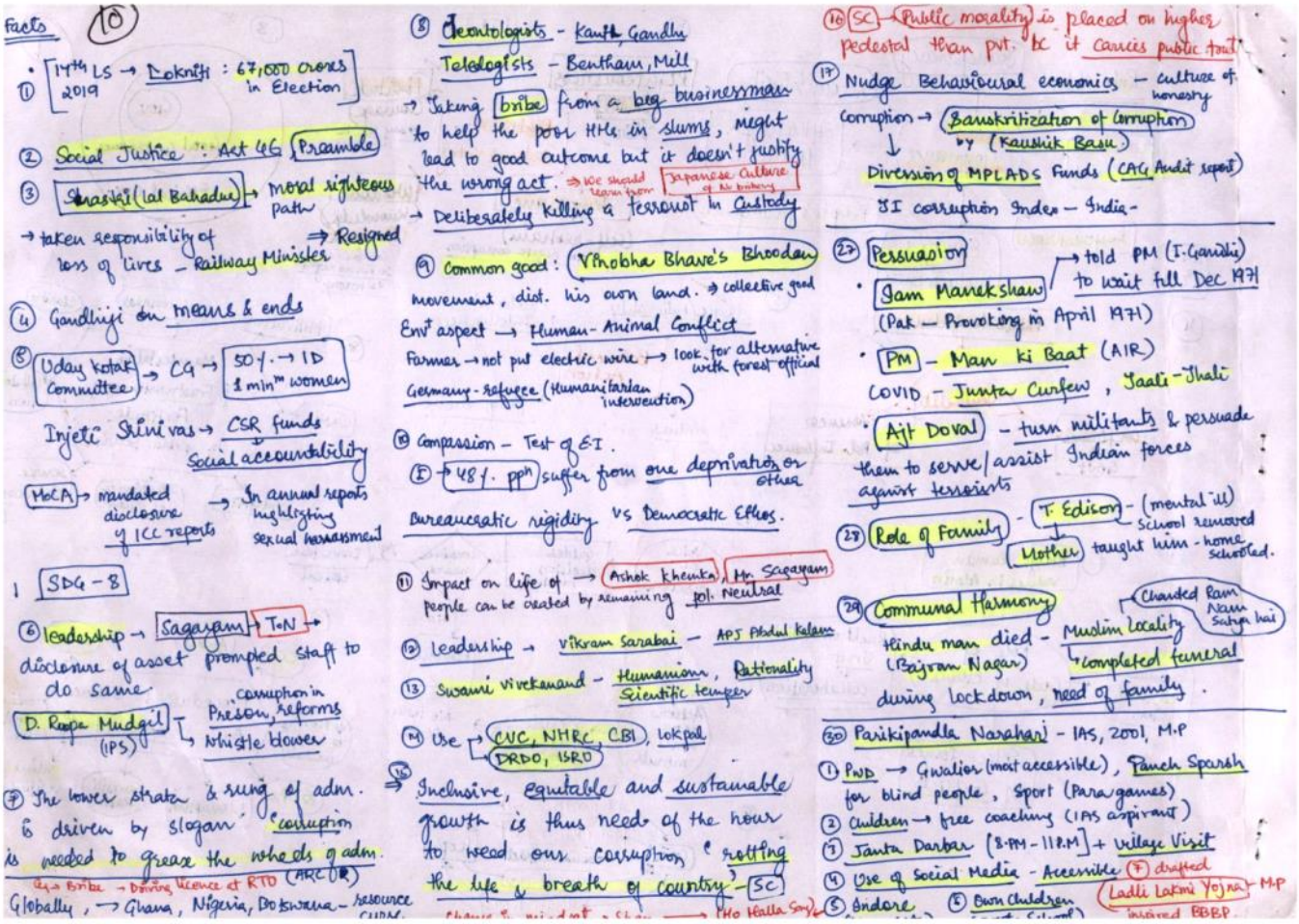

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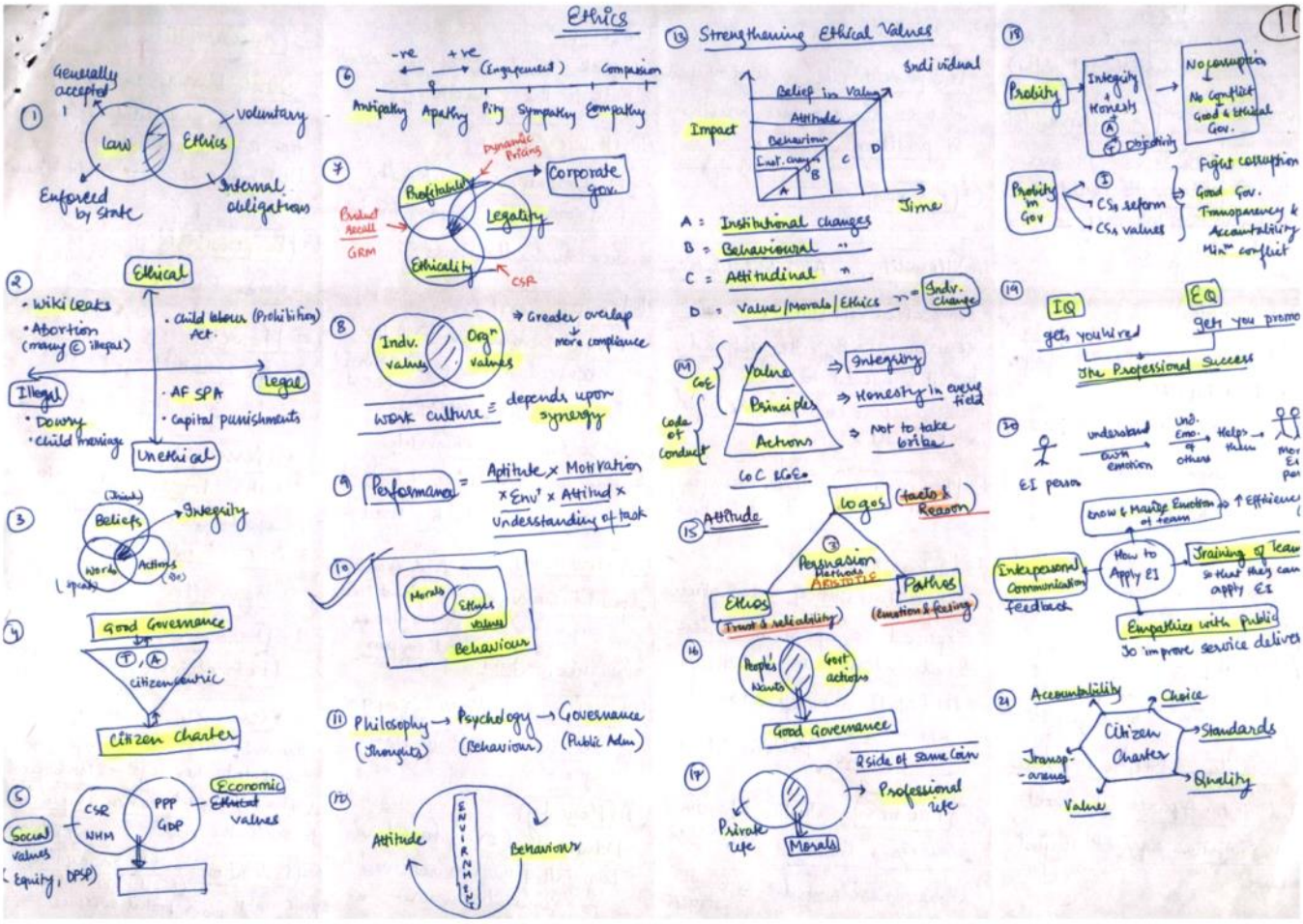

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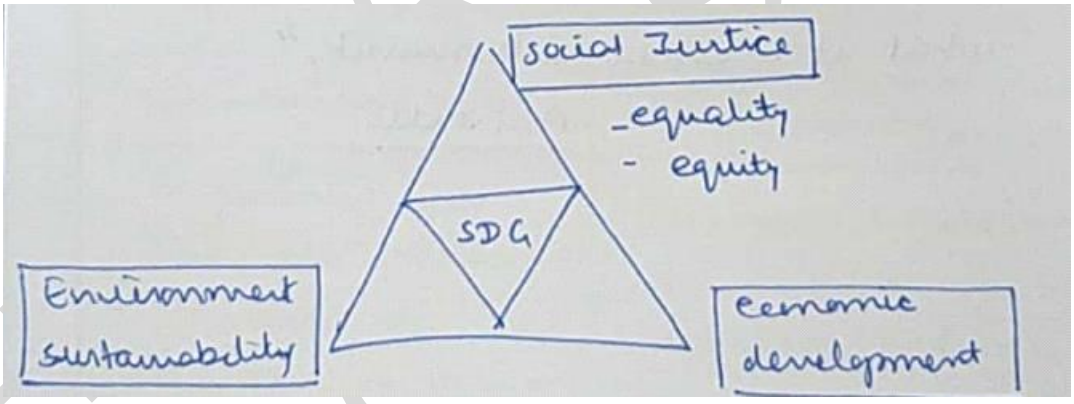
Take Away from Good Answer Copies

21 October 2021 15:32

- Whenever name of a person is mentioned, connect the statement of the question with whatever is the most famous theory you know about that person
    - Gandhi -- connect w/ Satyagraha
- Conclude by relating to current issues -- mob lynching, intolerance in society, religious fundamentalism, climate change, non-state actors
- Quote constitutional values for all positive things, if possible with articles/ parts
- Quote statistics wherever you can
    - Eg don't say India is affected by poverty; write 28% Indians are multidimensionally poor (World Bank)
- Even in a very negative quote, have a positive answer; oppose it and substantiate with examples; talk of hope

Readymade intro/ definition etc jiski mujhe kahi aur jagah nhi smjh ayi

- Code of conduct is a 'statement of expected behaviour' of an organisation from its employer.
- Governance is about exercise of authority to ensure utilisation of socio-economic resources to ensure welfare
- Discretion is the governance vacuum where no law/ official guidance exists. One is required to use ethical guidance from religion, conscience, moral thinkers etc to solve the issue.
- 

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Theories/ definitions

21 October 2021 15:25

Not sure if this needs a separate note -- yaha ki cheezein respective pages me add krte jana ig

- Constructivist view of truth -- truth can have different meanings based on different perceptions and understanding
  - Focault, Derrida, Gandhi
  - Useful for finding accommodative meaning behind discourses
  - ➢ Use in cases of conflict

- Deontology
  - Morality based on duty or obligations
  - Actions are good/bad, right/wrong in themselves, irresp of end results
  - Kant's Categorical Imperative
    - Single principle of rationality comprehensively includes all of our particular duties

- Consequentialism

- Contract Theory
  - Ethics in terms of agreements b/w people
  - Doing right = abiding by agreements that members of a rational society would choose
  - Doesn't concern necessarily w/ character, consequences, principles

- Care Ethics
  - Relationships are fundamental to ethical thinking; >> other factors
  - Doing right = building, strengthening, maintaining strong relationships

    2.5 Ethics of Care

    Also known as feminist ethics, ethics of care is primarily concerned with caring for others. This has evolved from the need to care for those who cannot care for themselves, such as infants. It is a system that assists us in our relations with other people and thereby strengthens how we positively interact with people. The concept of ethics of care is consistent with many peace-keeping and peace-making roles within law enforcement (Braswell and Gold from Pollock, 2007). Officers routinely find themselves refereeing non-assault domestic and civil arguments while attempting to bring a peaceful resolution to the conflict. Ethics of care is, at times, an important perspective for law enforcement officers when they see a person in need and decide to perform an act of care or kindness. Officers who perform a caring act are, according to ethics of care, acting out of compassion rather from a sense of duty; it is within this context that ethics of care can be a reminder to law enforcement officers that often an ethical solution may be to make peace through consensus and understanding, rather than resolve issues formally through charges.

    Ethics of care also supports the notion that issues should be resolved with compassion while building human relationships. In this way, a person should strive

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to build relationships with the community or individuals. With individuals, the building of rapport is critical to providing compassion to those in crisis and/or need.

Q. How can ethics of care theory assist law enforcement in moral dilemmas?

Building rapport with members of the community is an important aspect of community policing. This enables officers to identify issues and to deal with them with compassion. For example, an officer who builds rapport with students in a high school may become aware of a bullying situation. It is with compassion that the officer will be pushed to action to resolve this issue. Or an officer who is called to a grocery store to arrest a mentally ill street person who is stealing food may, instead of arresting the suspect, find an alternative route, such as connecting the suspect with a social service agency, or arranging for a social worker to help the person finda home.

Law enforcement officers should attempt, where possible, to address such issues with compassion and respect for all the parties involved.

- Virtue Ethics
    - Character >> everything else
    - Doing right = developing & demonstrating virtues of courage, compassion, wisdom, temperance + avoiding vices like greed, jealousy, selfishness

- Justice as Fairness
    - John Rawls's Theory of Justice
    - Justice = society's main political, constitutional, social and economic institutions and how they fit together to form a unified scheme of social cooperation over time
    - Rawls: Justice as fairness is not a complete contract theory

Shorten this:
2.10 Rawls' Theory of Justice
John Rawls (1921-2002) was a contemporary philosopher who studied theories surrounding justice. His theories are not focused on helping individuals cope with ethical dilemmas; rather they address general concepts that consider how the criminal justice system ought to behave and function in a liberal democracy. It is for this reason that it important that all law enforcement personnel be aware of Rawls' theories of justice or at least have a general understanding of the major concepts that he puts forth.

Rawls' theory is oriented toward liberalism and forms the basis for what law enforcement, and the criminal justice system, should strive for in a pluralistic and liberal society. Borrowing from some concepts of social contract theory, Rawls envisions a society in which the principles of justice are founded in a social contract. However, Rawls identifies problems with the social contract that do not allow fairness and equality to exist among members of society and therefore proposes a social contract which is negotiated behind a "veil of ignorance." Here the negotiating participants have no idea what their race, gender, education, health, sexual orientation, and other characteristics are so that the social contract is fair. Ultimately, Rawls argues that the primary concern of justice is fairness, and within this paradigm Rawls identifies two principles:

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"Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others" (Rawls, 2006, p.63). Rawls goes further by allowing each person to engage in activities, as long as he or she does not infringe on the rights of others.
"Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage (b) attached to positions and offices open to all…" (Rawls, 2006, p.63). Likewise, everyone should share in the wealth of society and everyone should receive benefits from the distribution of wealth. Rawls does not argue that everyone should be paid the same, but rather that everyone should have benefit from a fair income and have access to those jobs that pay more.
These principles should be adhered to, according to Rawls, to ensure that disadvantages are neutralized and everyone receives the same benefits of justice.

Rawls further addresses ethics in the individual, though this is not the central tenet of his theory, and is somewhat of a general statement of how moral people should behave (Banks, 2013).

Justice as fairness refers to the conception of justice that John Rawls presents in A Theory of Justice. This conception of justice concerns society's basic structure—that is, "society's main political, constitutional, social, and economic institutions and how they fit together to form a unified scheme of social cooperation over time."1

Rawls constructs justice as fairness in a rather narrow framework and explicitly states, "Justice as fairness is not a complete contact theory."2 Its purpose is to show how we ought to allocate a cooperative surplus of resources to individuals in society. As a result, justice as fairness relies on two implicit assumptions about the societies in question: first, social cooperation is possible and can work to everyone's mutual advantage, and second, there exists a moderate surplus of available resources to be distributed. Justice as fairness cannot be used to determine the just distribution of sacrifices to be made by a society's members when resources are scarce. More generally, it cannot help us identify just social policies in societies where background conditions (e.g., scarcity of natural resources, cultural barriers, war) have eliminated the possibility of mutually advantageous social cooperation.

The process for determining how the basic structure should be arranged is based on a thought experiment in which rational, mutually disinterested individuals choose principles of justice from behind a veil of ignorance, a condition that specifies they do not know specific details about themselves (e.g., personal values, race, gender, level of income) or the society in which they live (e.g., societal stage of development, economic circumstances). However, when choosing these principles, the parties do possess general social, psychological, and economic knowledge, and they also know that the circumstances of justice obtain in the society to which they belong.

From this hypothetical initial situation, which Rawls calls the "original position," these individuals will presumably endorse two principles of justice. The first, known as the equal liberty principle, is that "each person is to have an equal right to the most extensive scheme of basic liberties compatible with a similar scheme of liberties for others," and the second is that "social and economic inequalities are to be arranged so that they are both reasonably expected to be to everyone's advantage, and attached to offices and positions open to all."3

Rawls' primary argument for the two principles is that they would be chosen over any variation of utilitarianism, which he considers the strongest opposition to justice as fairness. Constrained by the veil of ignorance, the parties in the original position (as mutually disinterested rational agents) try to agree to the principles which bring about the best state of affairs for whatever citizen they represent within society. Since the parties are all unaware of precisely what social role they will occupy, they strive to maximize their individual shares of primary goods. These goods are defined as "things that every rational man is presumed to want" regardless of this person's rational plan of life and include (among other things) rights, liberties, social opportunities, and income.4 Rawls argues, largely through the appeal to the maximin rule, that the parties in the original position would favor the equal liberty principle over

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variations of utilitarianism. He further argues that the parties would support using the difference principle to regulate the distribution of wealth and income instead of a principle of average utility (constrained by a social minimum) because the difference principle provides a stronger basis for enduring cooperation among citizens.

The full application of justice as fairness can be regarded as a 4-stage sequence. The deliberations concerning the two principles occur at the first stage. With the two principles established, the parties then progressively thin the veil of ignorance and, as they acquire more specific knowledge about society at the subsequent stages, determine more specific principles of justice. At the second stage, the parties learn more about society's political and economic circumstances and create a constitution that is consistent with the two principles. At the third stage, the parties agree to laws and policies which realize the two principles within the context of the agreed-upon constitutional framework. At the fourth stage, the parties possess all available information about their society and apply the established laws and policies to particular cases.

One of Rawls major tasks in presenting justice as fairness is to show that the society it generates can endure indefinitely over time. To achieve this aim, Rawls deploys the just savings principle, a rule of intergenerational savings designed to assure that future generations have sufficient capital to maintain just institutions. Additionally, Rawls argues that the society generated by the two principles is congruent with citizens' good and that citizens can develop the necessary willingness to abide by these principles. As a result, the society generated by adherence to justice as fairness is stable and can be expected to endure indefinitely over time.

Notably, however, the arguments for the stability of justice as fairness that Rawls presents in A Theory of Justice do not prove convincing. Rawls does not account for reasonable pluralism, a critical aspect of any constitutional democracy with the guaranteed liberties that Rawls specifies. Thus, Rawls recasts his arguments for the stability of justice as fairness in Political Liberalism and strives to demonstrate that citizens, despite reasonable disagreement about many issues, will agree on a limited, political conception of justice through an overlapping consensus of their individual viewpoints.

End

- Nicomachean Ethics
    - By Aristotle - bahut complicated hai rehne do
    - the contemplative life consists of the soul's participation in the eternal through a union between the soul's rational faculty and the nous that imparts intelligibility to the cosmos.

- Welfarism
    - Shorten this:

      Well-being/welfarism
      August 26, 2017
      In contrast to the popular use of the term, which is typically related to health, 'well-being' in philosophical contexts is used to describe an intrinsic, or ultimate, good for a person (this is not to say that health is not, or cannot be, included in the philosophical account of well-being).

      In short, the philosophical use of the term 'well-being' is broader than the term's common everyday use. To consider a person's well-being is to consider how well life goes, on the whole, for that person. It is similar to, though not identical with, the concept of happiness.

      Theories of well-being typically fall into one of three categories:

      (1) The hedonistic view: Hedonistic theories of well-being account for well-being strictly in terms of pleasure. On this view, a good life – that is, a life in which one enjoys a high level of well-being – amounts to the greatest balance of pleasure over pain.

      (2) The desire-satisfaction view: The satisfaction of desires is another way of accounting for well-being. Proponents of this view note that we sometimes desire things that do not bring us pleasure, or which on balance bring about more pain than pleasure. I may desire, for example, to

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run a marathon, or to climb Mount Everest. While I may experience pleasure upon the completion of my endeavor (if indeed I am successful), that pleasure may not outweigh the pains to which I subjected myself in the process. The desire-satisfaction view allows for well-being to consist in more than simply pleasure (I may have climbed Mount Everest not for pleasure's sake, but because it was somehow meaningful to me, for example).

(3) The objective list view: Finally, well-being can be accounted for in terms of an objective list of human goods. On this view, well-being consists in various goods which, objective list theorists claim, cannot be merely reduced to pleasure or the satisfaction of desires. The list of goods may include pleasure and the satisfaction of desire, but it may also include things like knowledge, for example, or friendship.

Well-being, however it is accounted for, plays an important role in moral theories, as they seek to promote the well-being of persons. When a moral theory claims that well-being is the only consideration that matters morally, the view is regarded as a welfarism view. Of the views associated with welfarism, utilitarianism is perhaps the best known.

- Social Contract Theory

Social Contract Theory

Social contract theory is another descriptive theory about society and the relationship between rules and laws, and why society needs them. Thomas Hobbes (1588-1689) proposed that a society without rules and laws to govern our actions would be a dreadful place to live. Hobbes described a society without rules as living in a "state of nature." In such a state, people would act on their own accord, without any responsibility to their community. Life in a state of nature would be Darwinian, where the strongest survive and the weak perish. A society, in Hobbes' state of nature, would be without the comforts and necessities that we take for granted in modern western society. The society would have:

No place for commerce
Little or no culture
No knowledge
No leisure
No security and continual fear
No arts
Little language

Social contract theory is a cynical, but possibly realistic, view of humanity without rules and people to enforce the rules. An example of a society in a state of nature can at times be observed when a society is plunged into chaos due a catastrophic event. This may occur in because of a war, such as happened in Rwanda, or by cause of a natural disaster, such as what happened in New Orleans in the aftermath of Hurricane Katrina. In both of these examples a segment of society devolved from a country in which the rule of law was practised to a community in a state of nature. Rules and laws were forgotten and brute force dictated who would survive. Unfortunately, without laws and rules, and people to enforce those laws and rules, society devolves into a state of nature.

In general, even without the calamities of natural disasters and war, Hobbes assumed people would strive for more wealth and power in what could be described as a "dog eat dog" society, where, he believed, people will do whatever is required to survive in a state of nature, where rules and laws are non-existent. This would mean that people will act in "wicked" ways to survive, including attacking others before they are attacked themselves. With rules in place, people feel protected against attack.

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In a state-of-nature society, the strongest would control others that are weak. Society would have no rules or laws forbidding or discouraging unethical or immoral behaviour. People would be forced to be solely self-interested in order to survive and prone to fight over possession of scarce goods (scarce because of the lack of commerce).

For Hobbes, the solution is a social contract in which society comes to a collective understanding — a social contract — that it is in everyone's interest to enforce rules that ensure safety and security for everyone, even the weakest. Thus, the social contract can deliver society from a state of nature to a flourishing society in which even the weak can survive. The degree to which society protects the weak may vari; however, in our society, we agree to the contract and need the contract to ensure security for all.

The social contract is unwritten, and is inherited at birth. It dictates that we will not break laws or certain moral codes and, in exchange, we reap the benefits of our society, namely security, survival, education and other necessities needed to live.

According to Pollock (2007), there are five main reasons that laws are required in society:

The harm principle: to prevent the serious physical assault against others that would be victimized.
The offence principle: to prevent behaviour that would offend those who might otherwise be victimized.
Legal paternalism: to prevent harm against everyone in general with regulations.
Legal moralism: to preventing immoral activities such as prostitution and gambling.
Benefit to others: to prevent actions that are detrimental to a segment of the population.
Problems with the social contract theory include the following:

It gives government too much power to make laws under the guise of protecting the public. Specifically, governments may use the cloak of the social contract to invoke the fear of a state of nature to warrant laws that are intrusive.
From the time that we are born, we do not knowingly agree to a contract and therefore do not consent to the contract. An outflow of this thought is a movement entitled the "Sovereign Citizens" or "Freemen of the Land." The FBI identifies these movements as individual citizens who reject government control and "the government operates outside of its jurisdiction. Because of this belief, they do not recognize federal, state, or local laws, policies, or regulations." (US Department of Justice, 2010). The FBI considers these movements as domestic terrorist threats (FBI, 2011).
If we do accept the contract and wish to abide by it, we may not fully understand what our part of the contract is or ought to be.
Contracts can be unfair for some. For example, the poor do not get the same benefits of the contract.
Q. How can social contract theory assist law enforcement in moral dilemmas?

While social contract theory does not tell people how they ought to behave, it does provide a basis to understand why society has implemented rules,

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regulations, and laws. If not for the social contract theory, our understanding of the need for these rules would be limited.

Specifically for law enforcement, social contract theory is important to justify the power that law enforcement can exert over the population as a whole (Evans and MacMillan, 2014). The power imbalance, held by law enforcement, is part of the contract that society has agreed upon in exchange for security. Where the contract can be problematic is when the power used by law enforcement exceeds what is expected by society under the contract.

- Egoism

2.6 Egoism

Unlike other theories that prescribe how we ought to behave, egoism is a descriptive principle (Pollock, 2007) that does not tell us necessarily how we ought to behave, but rather why we behave the way we do. It infers that the person who acts in an egotistical manner does so because it is natural to act in this way, and therefore it is a moral action unto itself.

According to the tenets of egoism, the core reason that someone does any action is self-serving by bringing happiness or some other benefit to him- or herself. If someone performs an action that appears to be altruistic, the action was likely performed to give the actor gratification in some way. This may come in many forms; for example in the form of positive media attention, or just feeling good about oneself.

The following example may illustrate how a heroic act by law enforcement officers may be viewed differently through the lens of egoism. On June 10, 2014, Vancouver police detectives witnessed a shooting on the seawall in Yaletown. A gunfight ensued in which the suspect was able to escape via bicycle. Armed and reloaded, the suspect pedalled away and was followed by one of the detectives. The suspect fired at the pursuing detective, narrowly missing her. The detective pursued the suspect while being shot at until other police officers arrived who shot the suspect in an exchange of gunfire.

Most people would look at this case and believe that the detective was selflessly trying to apprehend a dangerous suspect before anyone else was shot. While this may be true, proponents of egoism would suggest that the detective acted in her own self-interest because capturing the suspect would satisfy her happiness, that she wanted media attention, or that she thought her actions would look good to her colleagues, thereby making her happy. This is a cynical view of her actions, but may help us understand why some people act in a way that puts them in danger.

Another way to demonstrate egoism is to place yourself in a situation in which you see someone who requires help. Suppose you decide that not assisting would cause you to feel guilty, thereby troubling you. As a response, you assist the person. From an outsider's perspective, you were acting selflessly and in the interest of the person who was requiring assistance. The end result of your actions, though, was twofold:

Your actions assisted the person in need.
Your actions made you feel good, allowing you to rid yourself of that troubling feeling resulting from guilt.

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Q. How can egoism assist law enforcement in moral dilemmas?

Egoism does not suggest that police officers should act in their own self-interest; certainly this would not be appropriate for law enforcement personnel. Where egoism may help is to better understand why people do things that may appear selfish. This may help us develop empathy for the suspects that appear to be selfish and allow us to better understand that their actions are driven by egoism. Egoism may also assist us in understanding the motives of others, allowing us to look at these motives with more skeptically than we would otherwise.

Egoism can also provide explanations of misconduct among law enforcement officers. Officers who abuse the trust placed on them by society and abuse their authority could be said to be acting in an egoistic state (Souryal, 2011). In this sense, law enforcement officers are acting in their own self-interest and not in the interest of their agency, the individual citizen who was the target of and officer, and society in general. Ultimately, the end result of bad behaviour by law enforcement personnel, according to Souryal (2011, p.275), is "arguably feeding one's ego."

In a broader sense, ethical egoists may also view everything we do as an extension of a desire to live at peace in a society that respects all; every positive action we take is actually selfish activity, so that we can make a better society to live in. In this way, egoists can be positive in their actions making what are apparent good and ethical decisions. However proponents of the egoist theory would suggest that the decisions are at their root self-serving, and therefore egoist in nature.

Criticisms of Egoism
Egoism is an attempt at explaining how we naturally behave with our own interests as a central focus, and that we ought to behave in this way. However, it is an overly cynical perspective on how humans behave. There are plenty of examples of selfless acts that are committed every day and go without notice. While it is true that many donations are made and good deeds done with the expectation that positive publicity will be generated for the giver, this does not necessarily mean that the giver's sole purpose is to gain publicity. It is possible that publicity is a by-product of giving. Furthermore, while it is in the interests of people to make decisions that will better society, there is no evidence that everyone makes these decisions based on self-interest (Rachels, 2006). If these decisions were universalized, then the world would be a markedly poorer place to live in.

- Religion or Divine Command Theory

2.7 Religion or Divine Command Theory
Religion is often considered the most widely used system to make ethical decisions and to conduct moral reasoning (Pollock, 2007). Throughout the world, people rely on a variety of religions to help them determine the most ethical action to take. While divine command theory is widely used throughout the world, there are differences: the application of the theory may differ from religion to religion, and it may differ within each religion.

One of the basic tenets for divine command theory is to use God as the source for all principles. In this way, to rely upon divine command theory, a person must believe that there is a willful and rational god that has provided the direction

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toward an ethical outcome. It is from God's commands that actions are determined to be right or wrong and, because of this, divine command theory provides an objective assessment of what is ethical or moral. However, there is ambiguity in the way in which some scripture is interpreted.

According to Pollock (2007), there are four assumptions of divine command theory:

There is a god.
God commands and forbids certain acts.
An action is right if God commands it.
People ascertain what God commands or forbids.
Divine command theory also provides an explanation of why ethics and morality are so important. In religions, good acts are rewarded in the afterlife, while bad acts condemn the perpetrator to an everlasting punishment. What essentially makes religion such an incredibly powerful ethical system is that there is the spectre of a potentially eternal punishment in the afterlife (Pollock, 2007). This notion of eventual punishment reinforces in its followers the necessity to make ethical decisions based on the commands of their god.

Barry (1985, as cited in Pollock, 2007) describes that understanding God's will is done in three ways:

Through individual conscience
By religious authorities
Through holy scripture
Q. How can divine command theory assist law enforcement in moral dilemmas?

It is important for law enforcement officers who do not practise religion to be cognizant of the importance of religion with believers. As religions provide the most commonly used ethical systems in the world, law enforcement personnel, regardless of their own beliefs, must be aware that not only will some officers refer to scripture, so too will members of the public. It is at times difficult for non-believing officers to understand the power of religion and the importance of its meaning to believers. Non-believers must be cognizant of situations in which, to them, decisions based on divine command theory may seem odd or unethical, but are ethical to the believer. This does not mean that the law does not apply, but that care must be taken to act with empathy when dealing with these situations.

Generally, for officers who believe in God, a source of comfort may be present when facing death or other traumatic events that non-believers may not experience. Officers dealing with death may find comfort in the belief that those who die may be in a better place, that their soul is eternal, and that death may mean that the soul goes to heaven. Believing that death is not the end, but a new beginning, may help officers who practise religion deal with pain and suffering.

Officers are routinely involved in circumstances in which situations appear to be unfair and where innocent bystanders are victimized with tragic outcomes. Officers who believe in God are also able to look at these situations and find comfort in the belief that God has a plan for everyone, even those who have been unfairly victimized. These officers can draw strength from their belief that the apparently random victimization wasn't so random, and that God was acting in a

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way that, while hard to explain, is planned for some reason only known to God.

Specifically, divine command theory can offer officers a written or prescribed direction to morality. Officers who are faced with a situation in which their values clash with society may fall back on divine command theory for direction in grey areas. An officer who is surrounded with unethical activity by officers, other criminal justice workers, and people on the street may be able to withstand pressure to join in the immoral practice with the belief that God commands moral behaviour toward everyone and prohibits such things as theft through corruption.

Officers could also use divine command theory to reaffirm in their own minds what is right, even when the Criminal Code or other legislation is unclear on a particular issue. By officers asking themselves what would God command or prohibit, they may be able to make a decision that they can justify.

Finally, officers who believe that God is always good would therefore believe that all of God's commands and prohibitions are good. By interpreting scripture, following the directions of religious authority, or making individual interpretations of God's command and prohibitions, officers are therefore able to do good, understanding that ultimately it is God's commands that they follow, and therefore their actions are good.

Criticisms of Divine Command Theory
While religion may be the most common ethical system employed, it has many issues that can be problematic if used as a moral guideline for law enforcement officers. For law enforcement officers in a pluralistic society, who are entrenched in religious doctrine and make ethical decisions based on that religious doctrine, their ethical decisions will not be acceptable with numerous segments of the society that they are sworn to treat equally. While decisions based on religious doctrine may be satisfactory for a law enforcement officer in his or her personal life, they can create difficulties in the workplace. An example is a law enforcement officer who refuses to enforce a court order to clear a group of Christians protesting abortion. The Christian officer may take offecse to such an order, in spite of the court's ruling and society's general acceptance of abortion.

Specifically, in a criminal justice context, Rawls (2005) viewed religion in public life as something that was out of place and that should, instead, be a private affair. Our religious and personal morals should be put aside when doing the business of the public. It is important, according to Rawls, that workers in government institutions not demonstrate their religious affiliations because we all receive benefits from living in a pluralistic society and that, as a result, we ought to withhold our religious and personal morals to ensure equality.

Other criticisms of divine command theory include:

Religious scriptures are generally ancient and are hard to interpret against the complexities of today's society. As a result, religion as an ethical system does not provide specific ethical guidance to specific ethical dilemmas. Scriptures are ambiguous and are generally broad in nature.
There are many religions in the world, with each possessing different prescriptions for morality. Religions have different gods from one another that are worshipped. Does the god a person chooses make a difference? Can you pray to

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the “wrong” god, or no god?
Science has no evidence of the existence of God. Without a belief in the existence of God, divine command theory loses its authority among a large portion of the population who base their lives on science and empiricism.
If we do believe in God, “who” determines what the commands are is not absolutely known or agreed upon. Within religious sects, arguments about who interprets commands is commonly a schism that separates factions.
Those who believe in God can interpret the commands in their own way, thereby creating different interpretations to the solutions sought for ethical dilemmas; consequently, there can be confusion about what exactly is God’s will.
Contradictions in scripture are confusing. On one side there is mention of the sanctity for life, but there are interpretations that are cited by fundamentalists that provide allowances to cause death to other humans. The most commonly used example of this is in the Quran, in which one passage reads that infidels are to be caught and slayed, but another preaches that Allah loves transgressors. Interestingly, the first verse, it is argued by Muslims, is taken out of context, and refers to Muslims providing self-defence. Interpretations as to what constitutes self-defence further complicates when this verse should be enacted. Should an infidel, in the eyes of a fundamentalist, be slayed for what the fundamentalist deems as an insult, and therefore an attack?
The notion that the might or power of God should be the basis of our ethical decisions indicates that the morality of the decision is based upon the fear of God’s might and power. If this is so, then is the decision really an ethical decision, or is it coerced?
If God is omnipotent, and is also the basis of morality:
How can we rationalize the suffering of innocent children in developing countries? Is this God’s plan to allow this to happen? If it is, how can we call this moral?

? Social Contract Theory
- By Hobbes
- For origin of state

Jean Jaques Rousseau
- Good govt must have the freedom of all its citizens as its most fundamental objective
- Child centred learning
- ? General will
- ? Amour de soi, amour propre
- ? Simplicity of humanity
- ? Civil religion
- Popular sovereignty
- Positive liberty
- Public opinion
- 'Man is born free, and everywhere he is in chains'
- 'I prefer liberty with danger than peace with slavery'

Carol Dweck's Growth mindset (focus on effort, risk taking) -- great example of Emotional Intelligence (opposite is fixed mindset (focus on abilities, taken as fixed, defensive approach to life))

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Question on Quotes

11 June 2021 14:31

Approach

- Elaborate meaning, especially in case of complicated quotes
- in meet around 1:14
- You have two pages.
  Give 70% of first page to the intro and to the elaboration of the quotation (maximum people have missed this part and thus missed on the marks).
  Then the 30% of first page and entire second page should be given to the present context of the quotation and the conclusion.

  In the intro, try to open up the quotation as much as you can.
  Then in the body on the first page give its explanation.
  You can give examples from history, scriptures here...but don't quote a current example here.

  Then in the second part explain what its significance and meaning is in the present context. Give current examples here. Formal examples. The examples should directly explain the quotation.

  Then the conclusion.
-

Tolerance as real test of civilisation

- Role
  - Promotes peace & harmony
  - Strengthens bonds
  - Economic progress
  - Allows people to exercise religious and constitutional rights
  - Facilitates human development
- Test
  - Explain why intolerance leads to 'uncivilised'
  - Use of Sulh-i-Kul and Dhamma as examples vs others who harmed it
  - Civilisation = continuity - must go on for more than just a few years
    - (Rishabh's idea around 55 -57 min)
    - When this growth drops, you are no longer civilisation; could still be a kingdom/ empire
  - Difference b/w civilsation vs 'uncivilisation' -> moral compass
  - Dimensions of tolerance as test
    - Religious, opinion, gender equality, cosmopolitanism
  - Civilisation built on truth - requires tolerance - Jainism's Anekantvada/ Syadvada
  - Intolerance to negativities that have crept into society to ensure longevity of civilisation
    - As a root of reforms against Sati
    - RTI - intolerance to lack of transparency
- Quotes
  - An eye for an eye makes the whole world blind.
  - All silencing of discussion is an assumption of infallibility

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- Examples
    - Akbar vs Aurangzeb
    - Germany vs US at WWII
    - Ashoka's Dhamma
    - Mob lynching
    - Xenophobia
    - ISIS - case study - primitivism

Do to others what you want them to do to you

- Mahabharata: Vidur while explaining duties of a King to Yudhishthir
- Golden Rule of Bible
- Significance
    - Practical reason of why everyone should be ethical
- Implications
    - Fair actions
    - Connected and interdependent society
    - Kant's categorical imperative
- Drawbacks
    - Different tastes of people in different circumstances
    - Potentially antagonistic to larger ethical norms
- Examples
    - Aurangzeb vs Guru Tegh Bahadur
    - India (aid) vs Nepal (perceives big brother)
    - CBDR in climate change
        - Largest polluters historically - developed ctries

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Applied Ethics

Issue	Dilemma/ principles	Resolution
Capital punishment	- Right to life vs greater good - Retributive vs restorative justice - Misplaced facts during judgment - Deterrence vs iron fist	- Replace w/ life imprisonment except for most heinous crimes - Justice Verma (2013) - against death penalty even in rarest of rare cases - Law Commission (2015) - abolition of death penalty except in terror cases - Doctrine of proportionality
Tribal displacement	- Compassion vs objectivity -- compensation - Development vs environmentalism - Modernisation vs heritage preservation/ cultural conservation - Conflict b/w dimensions of right to life ○ Right to dignity, food, free movement for tribals ○ Right to opportunities of growth (wrt population gaining from the effects of development)	- Consultation - EIA - Proper, timebound, compensation and rehabilitation plan - Periodic checks on welfare, opportunities - Education, empowerment in other ways
Euthanasia	- Sanctity of life vs empathy - Right to life with dignity (Art 21) vs respect for value of human life	- Clear legal guidelines to prevent misuse of legislation governing passive euthanasia to replace SC guidelines
Investor friendly labour laws	- Profit motive vs welfare - Ease of doing business vs employment security	
Abortion	- Right to life of foetus vs bodily autonomy - Right to life of woman vs right to life of foetus -- complicated pregnancies - Right to dignified life of female vs right to life of foetus in non-consensual pregnancies (eg rape)	
IR	- Intergenerational equity - Sustainable trade - Sustainability of global commons - Rules based order - Respect for sovereignty of smaller states - Panchsheel principles • Non-interference • Sovereignty respect • Non-aggression	

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	• Respect for territorial integrity • _ - Gujral doctrine • Won't let own grounds be used against each other • Unilateral concessions to smaller neighbours • _ • _ • _ - CBDR - Democratic cosmopolitanism - Vikaswad v/s vistarvada - Jus in bello (St. Augustine)	
Bioethics	- Human rights (of foetus) - Haves vs have-nots -- social inequality - Cloning -> dispensable soldiers/ saviour siblings - Divine right to life -- man becoming God - Anti-state elements could misuse it -- organ harvesting for terror financing	- Protagorus: Homo Mensura - 'man is measure of all things' - Human experimentation should be restricted for research purpose and organ/ tissue culture • GoI does not allow human cloning -> acc to int'l law - Test of proportionality for any such research - Kantian dictum -- human beings never as means - Rigorous ethical checks thru in-house mechanisms - Rational evaluation of Godhood attempts for benefits they would bring • Tagore: 'man as a creation represents the creator' - Global ethical governance thru WHO
Environmental ethics		

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Concepts

10 June 2021 14:15

An end-in-itself

The word "end" in this phrase has the same meaning as in the phrase "means to an end".

The philosopher **Immanuel Kant** said that rational human beings should be treated as an end in themselves and not as a means to something else. The fact that we are human has value in itself.

If a person is an end-in-themself it means their inherent value doesn't depend on anything else - it doesn't depend on whether the person is enjoying their life, or making other people's lives better. We exist, so we have value.

Most of us agree with that - though we don't put it so formally. We say that we don't think that we should use other people, which is a plain English way of saying that we shouldn't treat other people as a means to our own ends.

This idea applies to us too. We shouldn't treat ourselves as a means to our own ends; instead we should respect our inherent worth. This can be used as an argument against euthanasia, suicide and other behaviours that damage ourselves.

The idea also shows up in discussions of animal rights, with the idea that if they have rights, animals must be treated as ends in themselves.

"even when all of us have different professions, we have one thing in equal as fellow humans and that is our dignity"

Slippery Slope

The slippery slope argument views decisions not on their own, but as the potential beginning of a trend.

In general form, this argument says that if we allow something relatively harmless today, we may start a trend that results in something currently unthinkable becoming accepted.

The slippery slope argument is used in discussing euthanasia and similar topics. For example, people worry that if voluntary euthanasia were to be made legal, it would not be long before involuntary euthanasia would start to happen.

Doctrine of Double Effect

- This doctrine says that if doing something morally good has a morally bad side-effect, it's ethically OK to do it providing the bad side-effect wasn't intended. This is true even if you foresaw that the bad effect would probably happen.
- This might seem counter-intuitive, but the principle is used in serious argument about some important issues in ethics.
    - **Euthanasia -** Although euthanasia is illegal in the UK, doctors are allowed to administer potentially lethal doses of painkilling drugs to relieve suffering, provided they do not primarily intend to kill the patient. This is known as the doctrine of double effect. BBC News, November 2000
    - **War and civilian deaths -** In modern warfare it's difficult to ensure that only soldiers get hurt. Despite the effectiveness of precision weapons, civilians are often hurt and killed. The doctrine of double effect is sometimes put forward as a defence, but it does not always apply. For example, if an

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army base in the middle of a city is bombed and a few civilians living nearby are killed as well, nothing unethical has been done, because the army base was a legitimate target and the death of civilians was not the intention of the bombing (even though their death could be predicted). The doctrine of double effect can't be used to defend the use of weapons of mass destruction, such as non-precision nuclear weapons, area bombing, or chemical or biological weapons used against a population in general, since these are so indiscriminate in effect that civilian casualties can't be regarded as a secondary result.

    - **Abortions when the mother's life is in danger -** In cases when saving the life of a pregnant woman causes the death of her unborn child - for example, performing an abortion when continuing the pregnancy would risk killing the mother - some people argue that this is a case of the doctrine of double effect. By this argument, the death of the foetus is merely the side-effect of medical treatment to save the mother's life. Other people take the more traditional view that this is a case of self-defence against a threat (albeit a threat that is innocent and unaware that it is a threat).

- **Criticisms of the doctrine of double effect -**
    - We are responsible for all the anticipated consequences of our actions
        - If we can foresee the two effects of our action we have to take the moral responsibility for both effects - we can't get out of trouble by deciding to intend only the effect that suits us.
    - Intention is irrelevant
        - Some people take the view that it's sloppy morality to decide the rightness or wrongness of an act by looking at the intention of the person who carries it out. They think that some acts are objectively right or wrong, and that the intention of the person who does them is irrelevant.
    - But most legal systems regard the intention of a person as a vital element in deciding whether they have committed a crime, and how serious a crime, especially in cases of causing death.

Veil of Ignorance

- Part of Rawls's Social Contract Theory
- Hypothetical mental state which forces us to be in a position, free of bias, unaware of any particular skills or abilities we may have.
- Valid principles of justice are those we could agree to if we could freely, impartially and rationally consider the social situation, from an original position of such ignorance

Categorical Imperative

- Under Kantian Deontology
- We should act only according to the maxims that can be regarded as universal laws

Just Savings Principle

- John Rawls; part of Justice as Fairness theory
- Our main duty owed to successors is to save sufficient material capital to maintain just institutions over time
- Capital = money + knowledge & culture + techniques & skills
- Related to intergenerational justice
- What we owe the next generation depends on where the 'social minimum' is set
- Social minimum -- point which, taking wages into account, maximises expectations of the least advantaged group
- 2 stages
    - Accumulation stage - each generation saves at a specified rate dependent on stage of accumulation + circumstances
    - Maintenance stage - saving becomes supererogatory (=more than needed); only need to sustain just institutions now
- JSP is NOT to make future generations wealthier; discourages supererogatory savings
- John Rawls: 'to believe that a good society must wait upon a high material standard of life' is a mistaken belief.

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- Addition to the difference principle to provide a constraint on impact on prosperity

Difference Principle

- By John Rawls?

Rationality

- All normative theories assume moral acts should be supported by generally accepted reasons
- Aristotle - human beings are 'rational animals'. Virtue and living virtuously involve reason
- Utilitarianism - assumes moral agents are sufficiently rational to accurately predict the consequences of their actions, deliberate rationally and arrive on morally appropriate decision based on those rational processes
- Categorical imperative - moral requirements based on a standard of rationality

Moore's Axiological Theorem

- Actions depend on 2 criteria
    - The set of alternatives to the action -- depends on logic
    - Scale of value on which we rate them -- depends on ethics

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Themes

09 June 2021 20:31

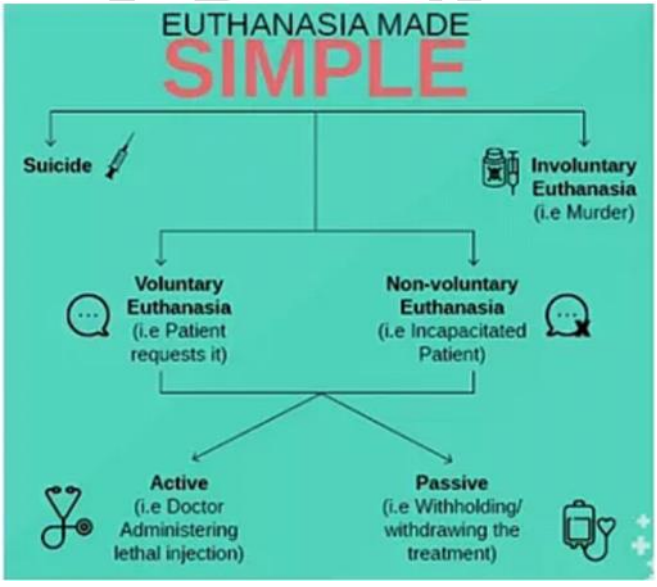
Euthanasia

Dilemma
Free will vs suffering
Right to life vs right to die with dignity (since Aruna Shaunbaug)
Issue of consent of patient
Medical ethics of saving life vs taking life

Resolution
- Avoid active euthanasia at all costs
- Passive also in rarest of rate cases
- Living will --
- Presence of DM + __ in case of passive
- Case by case approach

Introduction

Euthanasia refers to the practice of intentionally ending a life in order to relieve pain and suffering. With Greek roots, the word literally translates into 'good death' or 'easy death' and is also known as 'mercy killing'. It is associated with people with terminal illness or who have suffered irreversible incapacitation and are undergoing incurable pain.
The right to die or end one's life is not a novel aspect of modern society. Instances of active euthanasia are found in the Greek civilisation. Debates about the justifiability of euthanasia on moral, religious and practical grounds however, have been intrinsic to discussions on the theme.



Related Terms

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I. Assisted Dying – It includes both physician-assisted "suicide" and voluntary active euthanasia. The difference lies in the degree of involvement and behaviour of the physician. Assisted suicide is the act of deliberately assisting another person to kill themselves. It entails making lethal means available to the patient to be used at a time of the patient's own choosing, with no requirement of the physician's participation. However, the risk of error in assisted suicide is higher than in voluntary euthanasia.

II. Palliative Care – This is 'end-of-life' care which aims to improve the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems. It intends neither to hasten nor postpone death. The aim is to offer a support system to help patients live as actively as possible until death.

III. DNR (Do Not Resuscitate) – A DNR order means that a doctor is not required to resuscitate a patient if their heart stops and is designed to prevent unnecessary suffering. Although DNRs can be regarded as a form of passive euthanasia, they are not controversial unless they are abused, since they are intended to prevent patients suffering pointlessly from the bad effects that resuscitation can cause: broken ribs, other fractures, ruptured spleen, brain damage.

Euthanasia: An Assessment

Arguments in favour of euthanasia include:

1. Based on empathy and morality – it is a good human deed to relieve someone of their pain where there is no scope for improvement.
2. Right to die peacefully is part of Fundamental Right to Life guaranteed under Article 21 of the Constitution.
3. Self-determination – Human beings should have the right to be able to decide when and how they die.
4. Euthanasia enables a person to die with dignity and in control of their situation.
5. Death is a private matter and should not involve intervention by the state.

Arguments against euthanasia include:

1. Distinction between active and passive euthanasia is morally significant.
2. Another moral dimension includes the weakening of society's respect for value of human life.
3. It does not take into account, and leaves no room for unexpected results and recovery.
4. Allowing euthanasia will lead to deterioration of healthcare of the terminally ill and discourage research for new cures.
5. Not all deaths are painful; palliative care also ensures relief from pain.
6. Regulation of euthanasia, and ensuring zero that the process is not misused is a challenge.
7. There is no room for changing one's decision beyond a certain point even if one changes her/his mind.

International Position on Euthanasia :

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	Assisted Suicide	Euthanasia
Countries where it is allowed	Switzerland, Netherlands, Belgium, Canada, Australia, some states in the USA	Netherlands, Belgium, Canada, Australia

Euthanasia in India

- The present law on euthanasia in India is a result of the landmark Supreme Court judgment in the Common Cause v. Union of India, 2018 case which legalised passive euthanasia and stated that the same was not an offence under IPC as it neither at par with murder, nor with attempt to suicide.
- The SC used religious texts and scriptures and references from schools of jurisprudence to indicate the moral sanction for ending the life of the terminally ill.
- It held that 'right to die' is a part of Article 21 of the Constitution, and a person has a right to live with dignity until his death. The judgment permitted the execution of a Living Will or advanced medical directives by declaring that a Living Will is a part of the right to live with dignity. The Apex Court also introduced guidelines to be followed while performing euthanasia, and a set of the procedures involved for executing a Living Will.
- A Living Will is a document contains a person's wishes in case s/he becomes incapacitated and it must be executed by a patient who is of sound mind and is capable of understanding its consequences.

Evolution of Laws on Passive Euthanasia

- The first judgment to deal with the issue of euthanasia was the Maruti Shripati Dubal v. State of Maharashtra case, 1986 where the Bombay High Court declared that the rights have both negative and positive aspects. The right to life under Article 21 could therefore also be interpreted as the right not to live a forced life.
- In the P Rathinam v Union of India, 1994, the Supreme Court held that criminal penalties for suicide violate the constitutional right to life by amounting to a double punishment and it rendered Section 309 of the IPC unconstitutional.
- The above judgment was overturned by the Supreme Court in 1996 in Gian Kaur v. the State of Punjab, which pronounced the judgment that both active and passive euthanasia and assisted suicide is unlawful in India, and that the right to life did not include the right to die.
- The landmark judgment in 2011 in the Aruna Shanbaug v. Union of India was a major milestone wherein the SC held that passive euthanasia is legally valid in the country under exceptional circumstances, which allowed withdrawal of life support to patients in a persistent vegetative state (PVS).

Institutional Recommendations

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- The **Law Commission of India, in its 196th Report in March 2006**, gave a clear definition and clarified the meaning of the terms related to euthanasia.
  The report recommended that there must be a law made to protect terminally ill patients who refuse medical treatment, artificial nutrition, or hydration from Section 309 of the Indian Penal Code.
  Laws should also be made to protect doctors who make the decision for incompetent patients in their interests. The commission recommended the law be called The **Medical Treatment of Terminally Ill Patients** (Protection of Patients, Medical Practitioners) Act.
- The Law Commission re-examined passive euthanasia in 2012 and presented its recommendations in its 241st Report. While the report reiterated its previous recommendations, it clarified that palliative care may be given in any case to terminally ill patients and the government should devise schemes for the same.
  It also recommended that **Medical Council of India** should provide guidelines in the matter of withholding or withdrawing of medical treatment to competent or incompetent patients suffering from terminal illness.
- **M R Rajagopal Committee** presented its report to the government in July 2018 listing the parameters and the threshold values at which 'passive euthanasia' and 'living will' can be implemented in the state.
  The report raised important concerns about terminology – the term 'passive euthanasia' is 'misleading' as it carries the meaning of intention to kill. The procedure should rather be called as 'withholding or withdrawing futile treatment'.
  The committee recommended the constitution of a doctors' panel at the district-level to process 'living will'.
  It requested the government to direct the respective District Medical Officers to constitute the panel in advance as 'when the need arises, time will not be wasted for finding the doctors'.

The Way Forward

- The scope of transformation of mercy killing into murder for selfish gains must be reduced by introducing better regulations and laws. Since the issue deals with dignified life and death, utmost care must be taken to ensure informed decisions on part of the patients.
- The Parliament should frame legislation to replace the court's guidelines that govern passive euthanasia. The process needs to be fast tracked due to the immense complexity of the guidelines laid down by the court.
- Many countries have sophisticated regimes on assisted dying while India has only just recognized a constitutional right to refuse medical treatment. The Supreme Court's stand on active euthanasia may also be reconsidered.

Capital Punishment

Dilemma - misplaced facts during judgement; retribute vs restorative justice; right to life vs greater good

Soln - rationalisation, not abolition; curative petition mechanism strengthening; presidential involvement (can be debated though)

Example -- person who stabbed nun in the market, transformed after counseling by other nuns https://www.hindustantimes.com/india-news/we-forgive-you-how-a-nun-s-family-

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embraced-her-murderer/story-DxwvsFds9KhtUoK7IHMN5I.html

Introduction

Capital punishment is the State practice of putting someone to death through execution, as punishment for a specific crime after a proper legal trial. While the nature of crimes punishable by death penalty varies across the world, they are generally of a serious nature including murder, treason, espionage, war crimes, crimes against humanity and genocide. At the international level, capital punishment is most often carried out using lethal injections. Other methods include hanging, gas chambers, electrocution, firing squads and beheadings. Capital punishment in India is mostly carried out through hanging in accordance with the Criminal Procedure Code (CrPC). The Army Act, 1950 however also includes shooting as an official method of execution.

The latest instance of capital punishment in India was the hanging of the four 2012-Delhi Gang rape and murder convicts (Pawan Gupta (25), Vinay Sharma (26), Akshay Kumar (31), and Mukesh Kumar (32)) on March 20th, 2020. This came after a five year hiatus in state execution, when Yakub Memon was hanged in July 2015 on convicted charges of terrorism. Since independence, 724 prisoners have been executed in the country, half of which are from the state of Uttar Pradesh, followed by Haryana (90) and Madhya Pradesh (73). The year 2018 saw the highest number of death sentences (162) imposed by trial courts in the country in nearly two decades. The Apex court however, commuted 11 out 12 death penalty cases to life imprisonment. In 2019, the Supreme Court pronounced 27 decisions in capital cases including 6 confirmations, 17 commutations, 3 acquittals and 2 remands for fresh trial. As of 31st December 2019, 378 prisoners were on death row in India.
Capital punishment as a concept is as old as it is contested. Not only is there evidence for its usage by ancient civilizations in Greece and Rome, it has also found sanction on occasion by the world's major religions. Under the British Empire in India, the issue was first raised in 1931 when a member from Bihar, Shri Gaya Prasad Singh sought to unsuccessfully introduce a Bill in the Assembly to abolish the punishment of death for the offences under the Indian Penal Code.

Capital Punishment: Assessment

The most common argument in support of capital punishment is that of retribution wherein all guilty people deserve to be punished in proportion to the severity of their crime. The idea that death penalty as a practice works to deterrent prospective crimes and criminals is also used as a justification. The less controversial arguments in favor of capital punishment include prevention of re-offending, and closure and vindication for the victims' families.
The logic of retribution is laced with moral objections along with varied understanding of capital punishment more as vengeance than retribution. Similarly, the logic of deterrence does not always work, especially in cases where punishment is delayed and long drawn. In such cases, while the prisoner undergoes anticipatory suffering, the message of deterrence may be lost over time. More pertinent objections to death penalty include the loss of human life, violations of the right to live, the irreversible nature of the punishment with concerns over execution of innocent citizens. Additionally, another argument suggests that life imprisonment without possibility of parole causes much more suffering to the offender than a painless death after a short period of imprisonment.

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The International Scenario

As of December 2017, **142 countries** in the world had **abolished capital punishment**. While 29 of these retained the punishment in law, no one had been executed in the last 10 years; only 56 countries continue to retain and impose death penalty. Majority of the retentionist nations lie in the twin continents of Asia and Africa.
The highest number of prisoners on death row in the world is in Pakistan (4864 cases in 2018), followed Bangladesh at 1500 death sentences. In terms of execution, Iran, Saudi Arabia, Vietnam and Iraq accounted for over 80 percent of total executions (690) in 2018.

Institutional Recommendations on Capital Punishment

The Office of the High Commissioner for Human Rights, UNHRC with its mandate to promote and protect all human rights, advocates for the universal abolition of the death penalty. The UN Human Rights Office argues this position notably in light of the fundamental nature of the right to life; the unacceptable risk of executing innocent people; and the absence of proof that the death penalty serves as a deterrent to crime.
Amnesty International holds that the death penalty breaches human rights, in particular the right to life and the right to live free from torture or cruel, inhuman or degrading treatment or punishment. Both these rights are protected under the Universal Declaration of Human Rights, adopted by the UN in 1948. The organization therefore opposes capital punishment in all cases without exception. It recommends an immediate moratorium on executions pending abolition of the death penalty.
Other recommendations of the organization include abolition of all provisions in legislation which provide for mandatory death sentences, ensuring openness, transparency and informed debate on the issue, providing compensation and care to those found to have been the victims of miscarriages of justice in capital cases, and an independent study on the extent to which standards for fair trial have been complied with in capital cases by countries in the last two decades.

Death Penalty in India

The IPC prescribes death penalty for offences like waging war against Government of India (Sec. 121); abetting mutiny actually committed (Sec. 132); giving or fabricating false evidence upon which an innocent person suffers death. (Sec. 194); and murder (Sec. 302). It is also applicable for crimes under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Unlawful Activities (Prevention) Act 1967, Maharashtra Control of Organised Crime Act (MCOCA) 1999, and the controversial Narcotic Drugs and Psychotropic Substances (NDPS) 1985, among others. In all, there are 18 central legislations which include offences punishable by death.
The Parliament expanded the scope of death penalty in August 2019 by introducing it in cases of rape of girls below 12 years under Protection of Children from Sexual Offences (POCSO) Act. Since 2016, the proportion of death sentences for sexual offences by sessions courts has been steadily increasing. Lower courts in India have tended to dole out the death penalty with increasing frequency in the recent past.

Recourse for Prisoners on Death Row

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Increased number of penalties in effect leads to higher number of appeals and pardon petitions. After conclusion of the judicial process, a request for pardon can be filed either with the Governor (Art 72) of the concerned state or with the President (Art 161) in case of Union territories (via the Lieutenant-Governor/Chief Commissioner/Administrator). The clemency powers are subject to limited judicial review. Also, in case of rejection of pardon request, a writ petition to review the decision may be filed in the Supreme Court.
In case of rejection of state petitions, the same is forwarded to the President, who is always bound by the advice rendered by the Ministry of Home Affairs on matters of pardoning prisoners on death penalty. The requisite authority is not obliged to provide an explanation for acceptance or rejection of a petition. There is however no upper limit on the number of pardon petitions that may be filed, provided a new and substantial ground is presented in each. In the last nine years, the President commuted at least 20 death sentences to life imprisonment, based on the recommendations of the Ministry of Home Affairs (MHA).

Evolution of Legal Procedures on Capital Punishment

Over the years, new insights and perspectives on capital punishment have emerged from judgments of the Supreme Court which have led to the consolidation of the current laws on the punishment.
In **Jagmohan Singh v. State of Uttar Pradesh, 1973**, the Supreme Court held that according to Article 21 deprivation of life is constitutionally permissible if it is done according to the procedure established by law.
In the **1979 case of Rajendra Prasad v. State of Uttar Pradesh,** the SC held that, if the murderous operation of a criminal jeopardizes social security in a persistent, planned and perilous fashion then his enjoyment of fundamental rights may be rightly annihilated. It also pointed out that the special reasons for giving the death sentence cannot pertain only to the crime but must account for human rights and the fundamental freedoms given in the Constitution.
The **Bachan Singh v. the State of Punjab case in 1980** involving a batch of writ petitions challenging the constitutional validity of the death penalty as an alternative punishment for murder under Section 302, IPC led to the judgment that death penalty was constitutional only when applied as an exceptional penalty in "the rarest of the rare" cases. Social normative outrage leading to collective social approval of capital punishment lies at the heart of the R-R-R test. Murders committed in an extremely brutal, ridiculous, diabolical, revolting, or reprehensible manner so as to awaken intense and extreme indignation of the community may be considered as rarest of the rare.
The concept of **"rarest of the rare"** cases was elaborated on and certain considerations to determine whether a case came under the category of R-R test were listed by the SC in Machhi Singh v. State of Punjab 1983. The considerations included These were: the manner of commission of murder, motive of the murder, anti-social or abhorrent nature of the crime, magnitude of the crime, and personality of the victim. The courts before imposing capital punishment must answer whether the nature of crime rendered life imprisonment inadequate.
Deena v. Union of India, 1983 challenged the constitutional validity of Section 354 (5) of CrPC (execution of death sentence by hanging). The SC rejected this and cited that no particular method had been shown to have any distinct or demonstrable advantage over hanging. The primary consideration includes ensuring that the process of hanging does not become a punishment of its own due to any form of torture and loss of dignity.
T.V. Vatheeswaran v. State of Tamil Nadu, 1983 paved the way for commutation of death

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sentence in case of inordinate delay in executing a sentence of death as it violates Article 21 of the India Constitution. Delay in disposal of mercy petition, and
In **Shatrughan Chauhan v. Union of India, 2014**, the SC ruled that the execution of people suffering from mental illness would be unconstitutional. It also noted that keeping a convict in suspense while consideration of his mercy petition by the President for many years causes agony, it creates adverse physical conditions and psychological stresses on the convict under sentence of death.

National (Domestic) Institutional Recommendations on Capital Punishment

In the aftermath of independence the Constituent Assembly left the issue capital punishment to the Supreme Court and the Parliament in spite of Dr B R Ambedkar's insistence on its abolition on moral grounds. The Law Commission in its 35th Report in 1967 rejected the abolition of death penalty.
In 2013, the Justice Verma Committee which was formed to look at crimes on women recommended enhanced punishment include imprisonment for remainder of one's life. However, it was against the death penalty even in the rarest of the rare rape cases.
In its 262nd report in August 2015, the Law Commission recommended abolition of death penalty, except in terror cases citing that it does not serve the penological goal of deterrence any more than life imprisonment. It also cited the abolition of capital punishment by 140 other nations, as well as its arbitrary and flawed application.
In 2016, in response to a Private Member's Resolution in the Rajya Sabha, the government stated that while capital punishment is used only as an 'unavoidable alternative', prevailing situations in the country do not allow for its abolition.

Way Forward for India

Procedural safeguards based on recommendations of the Law Commission should also be put in place. An appeal to the SC in case death penalty is awarded (including by Military court) should be compulsory. Cases of death penalty should be heard by a Bench of five judges and the judgment should be based on unanimous decision.
In the best possible scenario, states should ensure creation of circumstances which prevent crime, and render capital punishment irrelevant. The punishment should be abolished in a phased manner, and be replaced by life imprisonment as the highest punishment. For the duration that it continues to exist, miscarriage of justice should be prevented and capital punishment and pardon petitions should not be used for political interests by the state.

Custodial Deaths/ Torture

4 DK Basu Judgements (1996, 2001 x2, 2015)

- Based on writ petition by DK Basu and Ashok K Johri
- Aim: reducing custodial death and torture and to have control on police and a set of guidelines for arresting a person.
- 20+ commandments + 5 procedural, monitoring, coordinating judicial orders
- 11 'requirements' in 'all cases of arrest' (1996)
    - Name tags, full id on all officials
    - Memo attested by at least one witness
    - Inform kin within 8-12 hrs (location)
    - Notify nearest legal aid organisation

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    - Inform each DK Basu right
    - Record compliances in police register
    - Periodic medical examination
    - Arrestee must also sign memo, centralise info in central police control room
    - Breach -> severe departmental action + contempt
    - In addition to, not substitution of existing remedy
- Rights w/o remedies futile
    - full civil monetary damage claims for constitutional tort (a wrongful act or infringement of a right).
- Impact:
    - Reduction in custodial violence after formal arrest
    - Most torture done before arrest is recorded
    - Safeguards only kick in after arrest is shown
    - Such techniques used by police forces globally
- Directions to SHRC
- Ordered filling of large vacancies in existing bodies
- Direction to operationalise Section 30 of NHRC Act
    - Power to set up human rights courts
- CCTVs in prisons within one year (from 2015)
- Non-official visitor surprise checks on prisons, police stations
- Prosecutions, departmental action mandated
- Concerns
    - Operationalising spirit of DK Basu
    - Punitive measures
    - Last mile implementation
    - Breaking intra-deptal solidarity with errant policemen
    - Ensuring swift, efficacious deptal coercive action plus criminal prosecution
    - Abysmal records of even initiating prosecutions against accused police officers
        - Virtually non-existent actual convictions
    - Better records for initiating departmental action; still too low though
        - Almost never dismissed successfully
- Way Forward
    - Custodial interrogation violates FR Art 20, CrPC Sec 161(2) (Against self incrimination) - police use physical pain as means to interrogate -- coercion
    - A 1985 Law Commission report directed enactment of section 114-B into the Evidence Act.
    - This gave way for raising a rebuttable presumption of culpability (guilty) against the police if anyone in their custody dies or is found with torture.
    - This has still not become law, despite a bill introduced as late as 2017. This should be processed soon.
    - More importantly, monitoring and implementation of DK Basu judgements is the need of the hour.
      This should be taken up by independent and balanced civil society individuals at each level, under court supervision.

- Misc: 2019 CSDS-Lokniti report
- Hindrance: policing is state subject, non ratification of UNCAT, low technology intervention

CA:

- ‘Custodial death’ of a father and son in Sathankulam town in Tamil Nadu’s Thoothukudi

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district has brought the question of police brutality to the fore.
- 'loophole' used: DK Basu guidelines apply to police custody only, not judicial custody -- obviously wrong

Development induced Tribal displacements

Development vs environmentalism
Modernisation vs conservation of indigenous culture
Economic growth vs inclusive growth
Conflict b/w dimensions of right to life

Human rights and constitutional rights violation
- Right to life
- Right to food
- Right to free movement
- Right to land

Solution
- Rehabilitation
- Livelihood in new industries
- Return land not used though acquired (xaxa committee)
- Community partnership -- Social Impact assessment
- EIA

Values - equity, fairness, justice, collective good, transparency
Issue - LWE

Investor Friendly Labour Laws

EoDB vs dilution of labour rights
Development vs redistribution
Flexible labour laws vs saving livelihoods of workers
Autonomy of businessmen
Efficiency vs compassion

Soln
- Still ensure dignity
- Dpsp: labour participation in mgmt (not investor friendly)
- First priority to job creation, then labour welfare
- Trusteeship

Abortion

Clipped from: https://www.atishmathur.com/polity/abortion

Introduction

Abortion is the removal of pregnancy tissue, products of conception or the fetus and placenta (afterbirth) from the uterus. In most cases, abortion is used to terminate unplanned pregnancies. It is also used to end pregnancies where the fetus is abnormal. Therapeutic abortions occur

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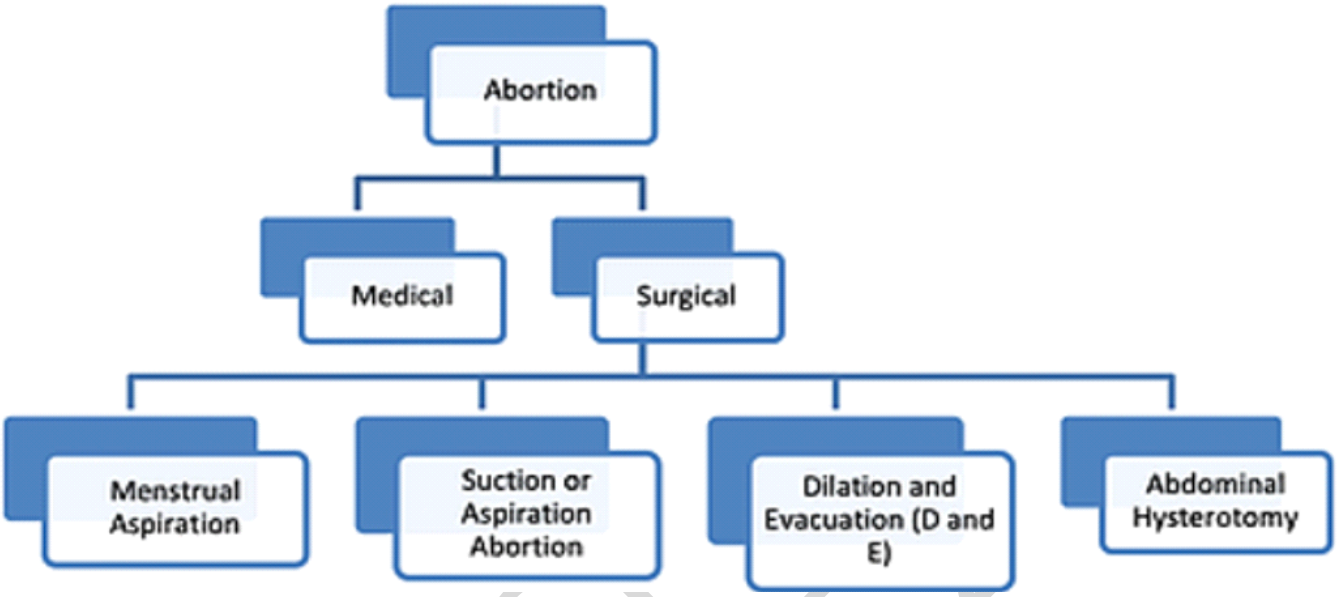
when the pregnancy put the mother's health at risk.

Types of abortion:



Arguments in Favour of Abortion

- Women have a moral right of control over their own bodies.
- The Right to abortion is imperative for gender equality.
- The Right to abortion is also imperative for individual women to achieve their full potential.
- Banning abortion leads to women resorting to other illegal and unsafe measures to terminate pregnancy, which puts them at risk.

Arguments against Abortion

- The **Right to Life trumps** the right of a person to control their own body: the fetus is not a 'part' of the woman's body but a **separate 'person' altogether**, with a right to life.
- Abortion does not necessarily lead to women's liberation. What is required instead, is societal moral and financial support to the mother.
- The easy access to abortion reduces government efforts in better care for mothers, and their children.
- Negative impact on the long-term physical and mental health of the women who undergo abortion.

International Position on Abortion

- A **2017** report by the Guttmacher Institute found that **42% of women of reproductive age** live in countries where abortion is

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either banned or allowed only in specific circumstances.
- Canada allows for elective abortion at any time in the pregnancy.
- **UK –** except Northern Ireland, women can freely obtain an abortion up to 24 weeks into their pregnancy. Terminations can be performed after this limit in exceptional circumstances, such as to save the life of the mother or because of a severe fetal abnormality.
- **United States –** The US Supreme Court decriminalised abortion across the country in the **Roe v. Wade case, 1973.** It also struck down the essence of spousal consent for abortion.

Abortion in India

- The first national study of the incidence of abortion and unintended pregnancy in India, conducted jointly by **International Institute for Population Sciences (IIPS), Mumbai**, the Population Council, New Delhi, and the New York–based Guttmacher Institute an estimated that **15.6 million abortions** were performed in the country in 2015.
- The abortion rate was **47 per 1,000 women aged 15–49 years**; the estimated unintended pregnancy rate was **70 per 1,000 women** in the same age group.
- Close to three in four abortions were achieved using **MMA drugs** from chemists and informal vendors, rather than from health facilities.
- Of the total abortions, **81%** were through medical methods of abortion (or MMA); 14% used surgical methods; and remaining 5% were performed outside health facilities through typically unsafe methods.
- Another research on unsafe abortion published in 2019 in BMJ Global Health presents a different picture: analysis of pregnant women aged **15–58 years** from nine states in the **Indian Annual Health Survey (2010–2013)** showed that **67%** of the abortions recorded were classified as unsafe.
- The above study also found that women with no male children were more likely to have an unsafe abortion compared with women who had at least one male child.

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Constitutional Underpinnings

Right to Privacy under Article 21 is applicable to abortion:
The Right to abortion may be interpreted to come under the **Article 21**. The Article dictates the Right to life and personal liberty. It can also be understood that a woman, who has been given such a right, might enjoy her personal liberty and alter her body in any way she can.

Timeline of Developments

- Except in cases where it is conducted to save the woman's life,

abortion was criminalized (for both the woman and abortionist) by the IPC, 1862 and CrPC, 1898.

- The **Shah Committee** carried out a comprehensive review of socio-cultural, legal and medical aspects of abortion, and in 1966 recommended legalization of abortion to prevent wastage of women's health and lives on both compassionate and medical grounds.
- The **Medical Termination of Pregnancy (MTP) Act** was passed by the Parliament in **1971,** legalizing abortion in India (apart from erstwhile state of Jammu & Kashmir).
- The Medical Termination of Pregnancy Rules and Regulations 1975 define the criteria and procedures for approval of an abortion facility, procedures for consent, keeping records and reports, and ensuring confidentiality.
- The **Medical Termination of Pregnancy (Amendment) Act 2002** was passed after a long consultative process with various stakeholders, and the amended Rules and Regulations came out in 2003.
- The **Medical Termination of Pregnancy Bill, 2020 (MTP Bill)** was passed in the Lok Sabha in March 2020, and is due to be discussed in the Rajya Sabha before it becomes an Act.

Important Judgments

- In **Dr Jacob George v. State of Kerala, 1994** the Supreme Court ruled that a doctor not trained in medical termination of pregnancy conducts the surgery, he or she can be charged under IPC Section 314.
- In **V. Krishnanan v. Government of Tamil Nadu, 2001**, the High Court of Madras affirmed women's rights to choose in the context of continuing pregnancy.
- In **Suchita Srivastava and anr v. Chandigarh Administration, 2009,** the Supreme Court ruled in favor of the legal right of consent of mentally retarded persons under the MTP Act, 1971. It held that the state has an obligation to ensure a woman's reproductive rights as a component of her Article 21 rights to personal liberty, dignity, and privacy.
- In **Laxmi Mandal v. Deen Dayal Hari Nagar Hospital, 2010** the Delhi High Court ruled that preventable maternal death represents a violation of Article 21 of the Constitution.
- The Supreme Court in the Samar Ghosh v. Jaya Ghosh case, 2011 ruled that a wife undergoing vasectomy or abortion without medical reason or without the consent or knowledge of her husband, may lead to mental cruelty.
- In **Ms. X v. Union of India & Others, 2016**, the SC allowed a rape victim to abort her 24-week-old abnormal fetus as the pregnancy would pose a grave threat to the woman's mental and physical health.

Legislations regarding Abortion

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MTP Act, 1971

The MTP Act decriminalised abortion without bringing an amendment to the IPC or abrogating the penal provisions.

The MTP Act sets some limitations regarding the circumstances when abortion is permissible, the persons who are competent to perform the procedure, and the place where it could be performed.

Abortion is possible within 12 weeks at the option of the pregnant woman.

Abortion is also possible within an extended period of 20 weeks with the permission of a Medical Board consisting of not less than two persons.

Shortcomings of the Act:

Restrictive for women - their freedom of choice is limited to a situation when her health and life are in danger or when the child if born would suffer from the abnormalities detected.

The Act is prejudiced against unmarried pregnant women.

At all stages of the pregnancy, the healthcare providers, rather than the women seeking abortion, have the final say on whether the abortion can be carried out.

The 20-week upper limit on the period in which abortion can be performed does not take into account extenuating circumstances; abnormalities in fetus can be detected even after 20-weeks into pregnancy.

MTP Bill, 2020

The Bill increases the time period within which abortion may be carried out according to the MTP Act, 1971.

Changes proposed in conditions for terminating a pregnancy at different gestational periods:

- The Bill addresses the bias against unmarried women and allows them to terminate pregnancy due to failure of contraceptive method or device.
- It provides for the creation of a Medical Board for all states and union territories to decide on abortion cases after 24 weeks of pregnancy.
- **Protection of privacy:** medical practitioners who reveal the details of women who have undergone abortion to anyone except person authorized by law may be punished with up to 1 year imprisonment, a fine, or both.

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Time since conception	Requirement for terminating pregnancy	
	MTP Act , 1971	MTP (Amendment) Bill, 2020
Up to 12 weeks	Advice of one doctor	Advice of one doctor
12 to 20 weeks	Advice of two doctors	Advice of one doctor
20 to 24 weeks	Not allowed	Two doctors for some categories of pregnant women
More than 24 weeks	Not allowed	Medical Board in case of substantial fetal abnormality
Any time during the pregnancy	One doctor, if immediately necessary to save pregnant woman's life	

Source: PRS Legislative Research

Issues with the Bill:

- The final say about conducting abortion continues to remain with the medical practitioner.
- It does not specify the categories of women who may terminate pregnancies between 20-24 weeks and leaves it to be prescribed through Rules.
- Based on the provisions of the Bill, for a case requiring abortion due to rape, that exceeds 24-weeks, the only recourse is through a Writ Petition.
- The Bill does not take into account the 75% shortage of authorized doctors to perform abortion, and restricts the procedure to doctors with specialization in gynecology or obstetrics.
- It does not provide a time period in which the Medical Board must make its decision regarding **termination of pregnancy after 24 weeks.**
- The coverage of transgender persons under the Bill is unclear.
- There is no provision for pregnant minors who may want to not disclose the pregnancy to anyone other than the doctor, but require consent from parents/guardians for abortion.

Related Legislation

Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 – punishes the act of sex-determination of fetus before or after conception.

Challenges for access to Safe Abortion

Access to safe abortions in India is a challenge due to various factors:

stigma, restrictive laws, poor availability of services, over-regulation of drugs, high cost, and conscientious objection of health-care providers. Complex process surrounding the activity with unnecessary requirements like mandatory waiting periods, mandatory counselling, provision of misleading information, third-party authorisation, and medically unnecessary tests that delay care which delay care.
A shortage of trained staff and inadequate supplies and equipment are the primary reasons many public facilities don't provide abortion care.

Recommendations

- **Legislation –** both national and international – should ensure that medical practitioners cannot refuse abortion services on conscience claims. These should be strictly regulated by the State.
- Availability and quality of abortion services in health facilities should be improved: increased training and certification of doctors; permitting nurses, **AYUSH doctors** (practitioners of indigenous medicine) and auxiliary nurse midwives to provide MMA.
- Quality of contraceptive services must be improved: availability in public health facilities, offering a wider range, counselling services, etc.
- Public health facilities should have the equipment and drug supplies necessary to provide surgical abortion care and MMA.
- Strategies that provide women with accurate information about how to use the MMA method safely should be implemented.
- Systems of accessible support networks for health care providers to combat stigma, isolation, stress, and burnout should be created and institutionalized.

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Environmental Ethics

18 October 2021 14:01

- Ethics usually seen as applicable to human-to-human interactions
- Environmental ethics needs
  - Attribution of moral status to nonhuman beings -- plants, animals, entire ecosystems
  - Attaching moral relevance to indirect human-to-human encounters by means of our relnship w/ the environment
- 2 approaches
  - Instrumentalism:
    - Subset of consequentialism
    - Value is determined by how it serves as tool for something else
    - Obligation to treat nonhuman world better because mistreating it negatively affects human life
  - Inherent value
    - Deontological
    - Obligation to treat nonhuman world better irresp of whether or how this in turn affects humans
- Studies moral and ethical aspects of relationship b/w humans and natural environment
- Treats envi as part of society
- 2 fundamental questions
  - What duties do humans have wrt the environment?
  - Why?
  - ➢ Prioritises why over what
- Includes both human and non-human component
  - Ethical concerns to non-living natural resources as well
    - Whanganui River in New Zealand given status of 'legal person' -- imp to Maori tribe
  - Moves beyond 'instrumental value' to include 'intrinsic value' of natural envi
  - Questions assumed moral superiority of human beings to members of other species on earth
  - Global nature -- envi issues transcend individual identities and national boundaries; needs value consensus and cooperation among nations
  - Critiques consumerism accompanying modern capitalism and anthropocentrism
- Ecological values - part of Indian tradition

Sustainability	Conservatism	Coexistence
Environment centricity	Balance b/w collectivism & Individualism	Holistic

- Gandhi - Earth provides enough to satisfy every man's needs, but not every man's greed.
- Other cultures
  - Native Americans -- don't presuppose separation b/w human & envi; ethical and reverential connection b/w humans & earth; land is not sth to be dominated/ controlled
  - Buddhists -- respect of living creatures -- immoral to cause harm; vegetarianism;
  - Taoists -- basic interconnection between people and nature; interact w/ world in a 'wu-wei' manner -- take into full account the nature of what's around you and factoring a respect for it into your decisions about what to do
- Anthropocentrism https://link.springer.com/article/10.1007/s10806-018-9711-1

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- [ ] Pg 252 onward in ethics for dummies

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Urbanisation, Cosmopolitan culture

18 October 2021 14:01

Cosmopolitanism

- Ideology that all human beings belong to a single community with similar set of moral principles
- Associated values
    - Inclusivity, oneness, human rights and dignity, cultural diversity, solidarity, equality
    - Openness, good governance, responsibility and accountability, democracy
    - Globalisation, modernism, industrialisation, consumerism, liberalisation
    - Opposition to chauvinism, social justice, peace
    - Collective intelligence through information
- Ethical conflicts
    - Environmental sustainability vs resource use for development projects
    - Rising inequality and condition of poor and vulnerable
    - Conflict of resources
    - Salad bowl vs melting pot model of society
    - Global vs regional values
    - Cultural diversity vs cultural clashes
    - Individualism vs collectivism
    - Lifestyle changes vs healthy routine

Social Well-being

- = healthy relationships + social stability + social peace
- Social animal; nature of associations determines social well-being
- Components:
    - Social health
    - Social status
    - Social equality
    - Social norms

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Bioethics/ Medical ethics

18 October 2021 14:00

Bioethics

- Represents a radical transformation of medical ethics
- Refers to broad terrain of the moral problems of life sciences; encompasses medicine, biology, some aspects of environmental, population and social sciences
- 4 general areas of inquiry
    - Theoretical bioethics -- intellectual foundations
    - Clinical ethics -- day-to-day moral decisions wrt caring
    - Regulatory and policy bioethics -- seeks legal and policy solutions for moral problems concerning life and death
        - Use of foetal tissue in research
        - Defining death
        - Guidelines for DNR do-not-resuscitate orders in hospitals
        - Euthanasia
        - Cloning
        - Rationing health care resources
    - Cultural bioethics -- ethical questions in backdrop of historical, ideological, cultural and social contexts
- 4 principles of bioethics - form a framework of moral reasoning

Autonomy	- Respect for humans - Humans are ends unto themselves; not a means to an end - Right to be free to make choices about your body
Beneficence	- Obligation to contribute to person's welfare -- direct benefit - Positive steps to heal; not merely avoiding doing harm
Non maleficence	- Obligation not to inflict harm - Avoid/ minimise harm - Hippocratic Oath
Justice	- Distn of health and health care in a fair and equitable manner - Attention to prioritisation and rationing

    - meant to be used in concert, NOT in isolation' no hierarchy of principles
    - Can be problematic when all 4 principles can't be balanced/ upheld
    - Though many other principles exist, ONLY these are used

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ARC-Ethics In Governance

Sunday, July 8, 2018 12:21 PM

- The six perceived governance quality measures, each an aggregate of a number of sub-measures, are:
  a. voice and accountability;
  b. absence of political instability and violence;
  c. Government effectiveness;
  d. reasonableness of the regulatory burden;
  e. the rule of law; and
  f. the absence of graft.

  Of these, the last two are the most directly significant in the context of ethical governance.
  - 'Rule of law' measures whether crime is properly punished or not; enforceability of contracts; extent of black market; enforceable rights of property; extent of tax evasion; judiciary's independence; ability of business and people to challenge government action in courts etc.
  - 'Absence of graft' measures relative absence of corruption among government, political and bureaucratic officials; of bribes related to securing of permits and licenses; of corruption in the judiciary; of corruption that scares off foreign investors.

Introduction	

Discuss different approaches to tackle corruption. As per ARC Report, there are basically two sets of approaches to deal with corruption. 1. The fist is overemphasis on values and character. 2. The second approach is based on the belief that most human beings are fundamentally good and socially conscious, but there is always a small proportion of people that value their personal interest above overall societal interest. Proper reward and punishment mechanisms can help tackle. It is basically having a sound legal system and enforcement of rule of law.	

Values need to be sustained by institutions to be durable. Substantiate with examples.

A sense of right and wrong is intrinsic to our culture and civilization. Institutional support is essential for values to be durable as without institutional support values tend to be weakened and soon dissipate.

- Institutions provide the container, which gives shape and content to values. This is the basis of statecraft and laws and institutions.
- While incentives and institutions matter for all people, they are critical in dealing with the army of public servants- elected or appointed- endowed with public resources and trust, impacting lives of all through the power vested in them.
- Public office brings with itself enormous temptation to indulge in corrupt activities.
- Therefore, creation of institutions and designing of incentives are of utmost importance in promoting ethical conduct of public servants.

Examples where institutions sustained value-

- Constituent Assembly showcased highest standard of values towards democratic polity, this is the reason India is a functioning democracy while other countries are not
- Indian Military has showcased value of restraint and non-interference in civilian matters. Pak military didn't and thus their state of democracy is in shambles
- Election Commission of India has adhered to values of impartiality and neutrality, allowing a vibrant electoral politics to emerge.
- Judiciary- to a large extent [justice, independence]

Examples where institutions didn't sustain value-

- Institution of Bureaucracy has not fully respected the value of public service and integrity, therefore India is seen as a corrupt country in various surveys eg, Transparency International Corruption Perception Index.
- Political Parties have not fully accepted the values of secularism, equality irrespective of identity of caste and gender, therefore we see communal violence, dalit atrocities, etc as manifestation of erosion of these values.

Discuss the main reasons for corruption and abuse of office in our society.

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According to ARC Report, these been aggravated by three factors-

1. a colonial legacy of unchallenged authority and propensity to exercise power arbitrarily
2. enormous asymmetry of power in our society- 90% in unorganized sector with low wages and job uncertainty. Of the organized sector, 70% are employed by govt. Even the lowest govt servant is much better off than significant section of society. Such asymmetry reduces societal pressure to conform to ethical behavior and makes it easy to indulge in corruption.
3. Third, as a conscious choice, the Indian state in the early decades after Independence chose a set of policies whose unintended consequence was to put the citizen at the mercy of the State. License, Quota, Permit Raj. Over presence of state in several sectors enhanced opportunity of corruption.

It is generally recognized that monopoly and discretion increase the propensity to corruption while competition and transparency reduce corruption. Discuss.

Monopoly and discretion- from previous answer. Another factor which increases corruption is over centralization. The more remotely power is exercised from the people, the greater is the distance between authority and accountability. *(Principle of Subsidiarity - Adams)*

Competition and Transparency

- As competition came in and choice expanded, corruption plummeted. Telephones, steel, cement, sugar and even two-wheelers are among the many sectors, which have seen enhanced supply and choice, reducing or even eliminating corruption.
- Similarly, wherever technology and transparency have been introduced, corruption has been significantly contained. Computerization and access to information have made many services from railway reservation to issuing of driving licenses increasingly free from corruption

Every democracy requires the empowerment of citizens in order to hold those in authority to account. Elaborate.

[Can also include above answer in its entirety along with following]

- Right to Information,
- effective citizens' charters,
- opportunity and incentives to promote proactive approach of citizens, - Citizen Feedback in Swachhata Sarvekshan
- stake-holders' involvement in delivery of public services, - social audit law of Meghalaya
- public consultation in decision making and - National policies, laws,
- social auditing,

are some of the instruments of accountability that dramatically curbed corruption and promoted integrity and quality of decision making.

"Perhaps the most important determinant of the integrity of a society or the prevalence of corruption is the quality of politics". Do you agree?

- If politics attracts and rewards men and women of integrity, competence and passion for public good, then the society is safe and integrity is maintained.
- But if honesty is incompatible with survival in politics, and if public life attracts undesirable and corrupt elements seeking private gain, then abuse of authority and corruption become the norm.
- In such a political culture and climate, desirable initiatives (such as competition, transparency, legal initiatives) will not yield adequate dividends. Competition and decentralization certainly reduce corruption in certain sectors. But source of demand for corruption for illegitimate funds in politics is not addressed , then other avenues of corruption will be forcibly opened up.
- As a result, even as corruption declines in certain areas, it shifts to other, sometimes more dangerous, areas in which competition cannot be introduced and the state exercises a natural monopoly eg, Defense deals, Allocation of public resources such as mines, spectrum, etc
- What is needed with liberalisation is corresponding political and governance reform to alter the incentives in politics and public office and to promote integrity and ethical conduct.

Discuss the forms of corruption. Do you think liberalization has only shifted corruption from coercive to collusive form? Give example.

[define what corruption is]

Coercive Corruption-

- In a vast majority of cases of bribery, the citizen is a victim of extortion and is compelled to pay a bribe in order to get a service to which he is entitled.
- Experience has taught most citizens that there is a vicious cycle of corruption operating and they often end up losing much more by resisting corruption.
- Delays, harassment, lost opportunity, loss of precious time and wages, uncertainty and, at times, potential

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danger of loss of life or limb could result from resistance to corruption and non-compliance with demands.
- In such cases, the citizen is an unwilling victim of coercive corruption.

Collusive Corruption-
- But there are several cases of collusion between the bribe giver and corrupt public servant. In such cases of collusive corruption, both parties benefit at immense cost to society.
- Examples-
  - Awarding of contracts for public works and
  - procurement of goods and services,
  - recruitment of employees,
  - evasion of taxes,
  - substandard projects,
  - collusive violation of regulations,
  - adulteration of foods and drugs,
  - obstruction of justice and concealing or doctoring evidence in investigation

  are all examples of such dangerous forms of corruption.

Impact of Liberalization-
As the economy is freed from state controls, extortionary corruption declines and collusive corruption tends to increase. We need to fashion strong and effective instruments to deal with this growing menace of collusive corruption, which is undermining the very foundations of our democracy and endangering society.

"Ethics in Governance cant be achieved just by ethical public servants." What do you understand by this statement?
[First discuss why ethical public servants- elected and appointed- are necessary]
- Ethics in governance, however, has a much wider import than what happens in the different arms of the government.
- An across-the-board effort is needed to fight deviations from ethical norms. Such an effort needs to include corporate ethics and ethics in business;
- There is need for ethics in every profession, voluntary organization and civil society structure as these entities are now vitally involved in the process of governance.
- Finally, there should be ethics in citizen behaviour because such behaviour impinges directly on ethics in government and administration

Ethical Framework

"India was fortunate that high standards of ethical conduct were an integral part of the freedom struggle. Unfortunately, ethical capital started getting eroded after the transfer of power." Elaborate.
[Elaborate on high ethical conduct by Mahatma Gandhi, resignation of congress on declaration of war, upholding values by constituent assembly, etc.]
Decline post-independence-
1. Excesses in elections
   - in campaign-funding,
   - use of illegitimate money,
   - quantum of expenditure,
   - imperfect electoral rolls,
   - impersonation,
   - booth-capturing,
   - violence,
   - inducements and
   - intimidation,
2. floor-crossing after elections to get into power and
3. abuse of power in public office became major afflictions of the political process over the years.
4. Criminalization

Discuss the steps taken to improve ethics in politics.
1. Improvement in the accuracy of Electoral Rolls along with provision of photo identity cards for all voters.

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2. Disclosures of Antecedents of candidates as per the directions of the Supreme Court
3. Debarring convicts from contesting election under Sec 8 of RPA
4. Enforcement of Code of conduct
5. Free and Fair polling
6. Reduction is size of council of ministers

Way Forward-

1. Reform in political funding - a partial state funding can be considered
2. The issue of disqualification on grounds of defection should be decided by President/Governor on the advice of EC
3. Appointment of CEC and Ecs should be done on the recommendation of a collegium consisting of PM(Chairman), Speaker, LoP(LS), Law Min, Deputy Chairman
4. Special Election Tribunals should be constituted at the regional level under Article 323B of the Constitution to ensure speedy disposal of election petitions and disputes within a stipulated period of six months.
5. Office of Profit- Appropriate legislation may be enacted under Article 102(e) of the Constitution spelling out the conditions for disqualification of membership of Parliament in an exhaustive manner. Similarly, the States may also legislate under Article 198 (e).

Analyze the components of Ethical Framework of Behaviour of Public Servants. Also comment of the difference in approach required to tackle declining ethics at lower level vs higher levels in administration.

The role of ethics in public life has many dimensions. At one end is the expression of high moral values and at the other, the specifics of action for which a public functionary can be held legally accountable.

Any framework of ethical behaviour must include the following elements:

1. Codifying ethical norms and practices i.e., Code of Conduct and Code of Ethics.
2. Disclosing personal interest to avoid conflict between public interest and personal gain.
3. Creating a mechanism for enforcing the relevant codes.
4. Providing norms for qualifying and disqualifying a public functionary from office

It is desirable and possible to govern the conduct of those who occupy positions in the lower echelons and exercise limited or no discretion through simplification of processes, more transparency, use of technology, and so on.

But the higher the echelon in public service, the greater is discretion and laws/rules/regulations cannot comprehensively cover all possible situational responses. Therefore the qualities outlined by Nolan Committee becomes more important for people holding higher positions.

Discuss seven social sins enumerated by Mahatma Gandhi.

Box 2.8: The Seven Social Sins

The Seven Social Sins, as quoted by Mahatma Gandhi in "Young India," 1925

1. Politics without principles
2. Wealth without work
3. Leisure without conscience.
4. Knowledge without character
5. Commerce without morality
6. Science without humanity
7. Worship without sacrifice

The credibility of a disciplinary body in respect of any profession depends upon how they deal with cases of delinquency involving serious misconduct. Elaborate.

Supreme Court made this observation. [Disciplinary body is a body in a specific domain entrusted with the responsibility to ensure high standards of ethical conduct within that domain.]

The members of such profession- be it accounting, law, medicine, or any other vocation- besides having a duty to serve their profession faithfully, also owe a duty to the society which has vital public interest.

The disciplinary bodies are guardians of due administration of justice. They are entrusted with requisite power and rather a duty while supervising the conduct of the members of the given profession, to inflict appropriate penalty when members are found to be guilty of misconduct.

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Thus their credibility depends on how they discharge justice, failing which has a tendency to erode the credibility and reputation of the said profession and the punishment, of course, has to be commensurate with the gravity of the misconduct.

Legal Framework for Fighting Corruption

Discuss the evolution of anti-corruption laws in India.

- In the pre-independence period, the Indian Penal Code (IPC) was the main tool to combat corruption in public life.
- The Second World War created shortages which gave opportunity to unscrupulous elements to exploit the situation leading to large scale corruption in public life.
- The Prevention of Corruption Act 1947: This Act did not redefine nor expand the definition of offences related to corruption, already existing in the IPC. Similarly, it also adopted the same definition of 'Public Servant' as in the IPC. However the law defined a new offence -'Criminal misconduct in discharge of official duty' - for which enhanced punishment was stipulated.
- Amendments in 1964: The anti-corruption laws underwent comprehensive amendments in 1964. The definition of 'Public Servant' under the IPC was expanded on recommendations of Santhanam Committee.
- The Prevention of Corruption Act, 1988: The term ' Public Servant' is defined in the Act. The definition is broader than what existed in the IPC. A new concept – 'Public Duty' is introduced in the Act.
- The Prevention of Corruption Act, 1988- does not define corruption (even UN Convention against Corruption also doesn't define corruption). However, it lists offences such as bribery, illegal gratification, quid pro quo, and criminal misconduct involving receiving gratification.. Attempts to commit such offences are also covered.

Future Amendments to be considered-

1. PoCA should classify following as offence-
   a. Gross perversion of the Constitution and democratic institutions amounting to willful violation of oath of office
   b. Abuse of authority unduly favoring or harming someone.
   c. Obstruction of justice
   d. Squandering public money
2. Section 7 of PoCA needs amendment to provide for a special offence of "collusive bribery" along with its definition.
3. Prior sanction should not be necessary for prosecuting a public servant who has been trapped red handed or in cases of possessing assets disproportionate to the known sources of income.
4. Power to grant sanction against servant of central govt should be vested in a committee headed by CVC.
5. The Prevention of Corruption Act should be suitably amended to include in its purview private sector providers of public utility services.
6. Special court judges should dispose these cases on a priority basis and not grant lax adjournment.
7. Whistleblower Act
8. National Commission to Review the Working of the Constitution, recommends that suitable amendments be effected to Article 105(2) of the Constitution to provide that the immunity enjoyed by Members of Parliament does not cover corrupt acts committed by them in connection with their duties in the House or otherwise. Same for MLAs.

Social Infrastructure

Discuss the importance of civil society in bringing ethics in governance. Give Examples. Also suggest measures to improve civil society participation in governance.

Civil Society has played an important role in improving ethics in governance by creating mechanisms, and in some cases legislations, that improves the quality of governance through increasing transparency, accountability, and citizen participation. Following substantiates this hypothesis-

- Parivartan, an NGO based in Delhi, used the Right to Information law to expose corruption in the Public Distribution System by insisting on access to stock registers maintained by fair price shops.
- The Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan, a well-known NGO, started uncovering corruption in local public works by gaining access to employment rolls, vouchers, beneficiary lists. This led to Raj govt legislating on social audit requirement.
- Utilization of PIL instrument effectively to bring about change. For eg, Association for Democratic Reform used it for disclosure of criminal, financial and educational background of the candidates contesting election.

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- Lokpal Movement- by Anna Hazare and India Against Corruption was successful in passing of the legislation for creation of lokpal.

Measures to facilitate such participation-

1. Inviting civil societies to oversee govt programmes
2. Establishing and disseminating service standards - through Citizen Charter, Sevottam model
3. Establishing credible complaint mechanism
4. Assessing public confidence in anti-corruption institutions, judiciary and law enforcement and in designing programmes to improve trust levels
5. Self declaration of information
6. Using mechanisms such as public hearing, social audit, to assess citizens' perception
7. Setting up websites on corruption- containing information, facilitating dialogue and feedback from citizens, associating former public servants in lobbying against corruption.

Reward schemes should be introduced to incentivize citizens' initiatives against corruption. Discuss.

The existing provisions in the Indian Penal Code and other enactments are not adequate to enable interested citizens and civil society groups to approach courts for recovery of the proceeds of corruption and provide for a share in the proceeds.

In the United States, the False Claims Act makes it possible for interested citizens to approach any court in any judicial district for recovery of the proceeds of corruption.
Under the Federal False Claims, any person who has knowledge about a fraud committed by another person or entity, may file a law suit on behalf of the Federal Government.

Discuss the Role of Media in prevention, monitoring and control of corruption.

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. Following are useful-

1. Investigative reporting
2. Daily reporting of instances of corruption

However, often under pressure of competition, media doesn't verify the allegations and puts the information in public domain. Occasionally such cases are motivated. Moreover, the corporate ownership model of media is vulnerable to not report cases that impacts the interests of the owners.

Systemic Reforms	

Monopoly + Discretion - Accountability = Corruption[54]

Eg,

1. The Agricultural Produce Marketing Act, 1972, of Madhya Pradesh permitted only the traders in the officially designated mandis to buy the produce of the farmers. The officials of the Mandi Samitis and the traders formed a monopsonistic nexus to cheat the farmers by paying them less than the fair price of their produce.
2. Railway Ticket booking

"One mechanism that can help in promoting transparency and creating confidence in public contracting is the use of integrity pacts". Elaborate

- The term refers to an agreement between the public agency involved in procuring goods and services and the bidder for a public contract to the effect that the bidders have not paid and shall not pay any illegal gratification to secure the contract in question.
- For its part, the public agency calling for bids commits to ensuring a level playing field and fair play in the procurement process.
- An important feature of such pacts is that they often involve oversight and scrutiny by independent, outside observers.
- Such pacts have contributed significantly to improved transparency and public confidence in the manner in which major deals in Government and public sector organizations are concluded.
- Many national legal systems now give considerable weightage to such pacts.

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Example of impact of Reducing Discretion.

An interesting example of improved transparency is the system introduced for effecting transfers of teachers in Karnataka. Under the old system, the practice was that every year some 15000 school teachers used to request transfers to a place of their choice through written applications to several authorities, requiring initiation of action at different levels. Often, the process of decision-making was non-transparent and was riddled with corruption. Under the changed system, applicants are required to submit the reasons for the request for transfer and these are prioritized centrally. A computer-generated list containing the names of transfer seekers along with their ranking (based on the reasons for transfer) are published on the notice board of the department, and objections, if any, are invited. It is reported that this scheme contributed to considerably reducing corruption.

Discuss the concept of risk management and preventive vigilance in public administration. Also highlight the challenges involved.

- The risk of corruption in government depends on the nature of the office and its activity and the character of the person holding that office. An office having more discretion and more public interface is more vulnerable to corruption than an office in which there are no discretionary powers.
- This implies that it may be possible to classify various positions in government as 'high risk of corruption', 'medium risk of corruption' and 'low risk of corruption'.
- Eg, the post of a tax assessing officer or an inspector at a border check-post could be classified as a 'high risk position', whereas the position of an official at an enquiry counter is a 'low risk position'.
- Similarly, individual government servants vary in their level of integrity, ranging from those who indulge in outright extortion to those who are absolutely upright.
- A risk management system to prevent corruption should seek to minimize risk by ensuring that 'low risk personnel' should hold 'high risk jobs' and vice versa.

Challenges-

- Risk profiling of government officials poses a challenge in the sense that the present system of performance evaluation discourages a reporting officer from giving anything 'adverse'.
- Moreover, categorizing an official as 'high' risk based on an adverse rating by one reporting officer may not be fair (unless a glaring misconduct has come to notice).
- It would, therefore, be better if risk profiling of officers is done by a committee of 'eminent persons' after the officer has completed ten years of service, and then once in every five years.

ARC recommendations

Right to information

participatory democracy ; people centred governance ; empower with information

- **Official secrets Act:** Shourie Committee recommended a comprehensive amendment of Section 5(1) to make the penal provisions of OSA applicable only to violations affecting national security.
- Oath of transparency in place of oath secrecy under Article 75 and 164.
- Second Schedule of the Act (which contains exempted organizations) may be reviewed periodically.
- Central service rules would have to be recast so that dissemination of information is the rule and holding back information is an exception.
- Suo moto disclosures,free of charge.; Establishment of Public record office.
- Awareness generation and capacity building shouldn't be limited to public functionaries
- Single window agency
- Application on non governmental organisations,which receive 50% annual costs from govt funding

Performance: According to Satark Nagrik Sangathan and Centre for equity studies,

- Impunity of Govt officials
- 97% of the filed cases failed to impose penalities

Human capital

- 97% of the filed cases failed to impose penalties

Human capital

shift from allocation-based development programmes to those based on entitlements

- Guaranteeing Reach through awareness generation programmes in local languages and measuring response.
- Single point local monitoring and eliminating multiplicity of plans
- Utilising bank branches and post offices for last mile reach and avoiding leakage
- Incentivizing workforce engaged in difficult areas through rewards backed system
- Entrepreneurship Institutes for the Rural Poor

Crisis management

- A new entry, "Management of Disasters and Emergencies, natural or manmade may be included in List III (Concurrent List) of the Seventh Schedule of the Constitution.
- stringent punishment for misutilization of funds

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- Creation of Legal and Institutional Framework for Managing Floods in Inter-State Rivers
- Professionalization of Disaster Management: Disaster Management as a body of knowledge

  should be introduced as a subject in management and Public Administration.
- hazard and vulnerability analysis
- Geographical Information System tools should be used to integrate spatial data and as non-spatial data on a common platform
- Making Crisis/Disaster Management Plans a Part of Development Plans
- Early warning system and utilizing local community leaders in managing crisis situations
- Setting-up Integrated Emergency Operations Centre (EOC),which must be networked

  with all other control rooms
- Livelihood Management in Extremely Drought Prone Areas

Ethics in Governance

- **Politics**

i. partial state funding
ii. disqualification of members on grounds of defection should be decided by the President/Governor on the advice of the Election Commission.
iii. Section 8 of the Representation of the People Act, 1951 needs to be amended to disqualify all persons facing charges related to grave and heinous offences and corruption
iv. Parties realigning themselves in the midst of a coalition,should be asked to seek fresh electoral mandate.
v. Collegium system akin to CVC for election commisioner under Article324(2)
vi. Expediting Disposal of Election Petitions
vii. Enacting Code of Conduct for ministers,with regular monitoring through annual appraisal reports
viii. The Code of Ethics should inter alia include broad principles of the Minister-civil servant relationship and the Code of Conduct.
ix. Amendments in Article 105 and 194,such that priveleges doesn't include pardon for corrupt acts within the house.

- **Civil servants**

i. serving officials should not be nominated on the Boards of Public undertakings.
ii. Liability of Corrupt Public Servants to Pay Damage
iii. Ratio of Public Offices

i. serving officials should not be nominated on the Boards of Public undertakings.
ii. Liability of Corrupt Public Servants to Pay Damage
iii. Rating of Public Offices
iv. Enacting a False Claims Law is one way of incentivizing citizens' participation. A reward system for reporting cases of corruption could also help in bringing to light cases of corruption.
v. Principle of administrative positive silence should be generally observed.
vi. Integrity pacts an agreement between the public agency involved in procuring goods and services and the bidder for a public contract to the effect that the bidders have not paid and shall not pay any illegal gratification to secure the contract in question.
vii. conscious efforts to reduce discretion based decision making
viii. The Fifth Pay Commission made several recommendation and transparent transfer policies,so that arbitrariness in transfers is eliminated altogether.
ix. a minimum tenure for each posting of officers should be predetermined
x. Another likely area of conflict between the Minister and the officers is the influence exercised by the Minister in the day-to-day functioning of subordinate officer.
xi. It is necessary to spell out the relationship between the Political executive and the bureaucracy in a comprehensive manner.

- **Private sector**

i. The Prevention of Corruption Act should be suitably amended to include in its purview private sector providers of public utility services.
ii. Non-Governmental agencies, which receive substantial funding, should be covered under the Prevention of Corruption Act.

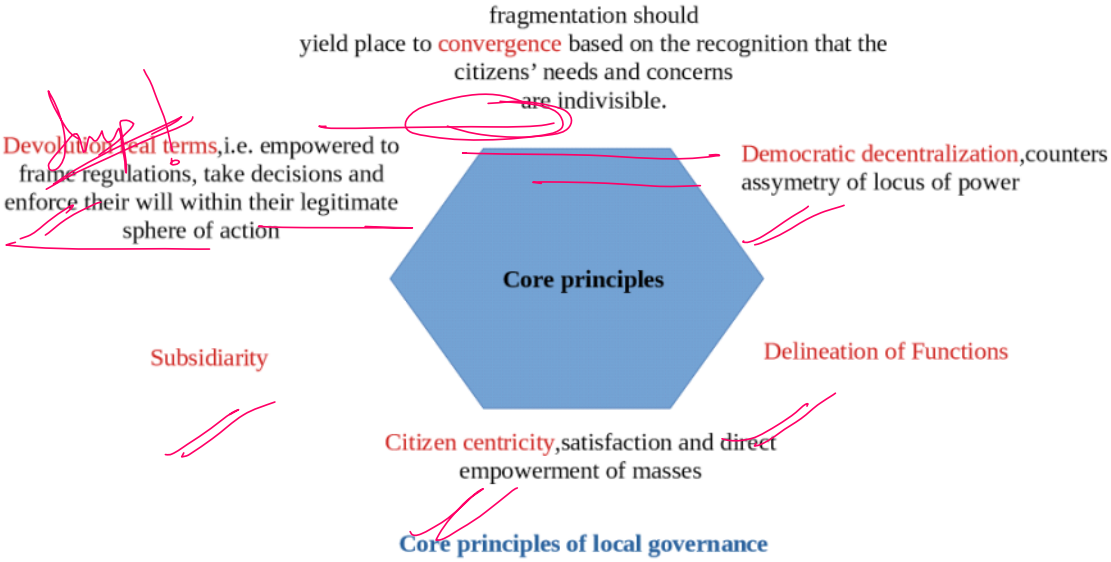
- **Civil society**

i. holding integrity workshops and public hearings at the national and local levels at regular intervals to discuss problems and suggest changes
ii. Incorporating corruption as a subject in the education curriculum.

- **Media**

i. Code of Conduct and a self regulating mechanism,as a safeguard against malafide action.

Local Governanance



Recommendations:

1. **Administrative**
   - Collegium based appointment of state election commisioner
   - Qualifications of State Finance Commision members should be prescribed through an Act
   - Outsourcing of activites to public/private agencies

2. **Accountability & Transparency**
   - Regular audits . E.g. Meghalaya social audit
   - Local body ombudsman
   - Doing away with the institution of Parastatals. Following the steps taken by Kerala and Karnataka,District Rural Development Authority should be merged with Zila Parishads.

3. **Technology**
   - process simplification and single window delivery of services.

4. **Revenue**
   - Land banks available with the municipalities as well as with the development authorities should be leveraged for generating resources for the municipalities.
   - broadening and deepening of the revenue base of local governments. (Panchayats received 95 per cent of their revenues from the devolved funds from the centre/state, while generating only 5 per cent from own resources,Economc Survery,'18)

5. **Social infrastructure**
   - Installing a hierarchy of metering systems with water usage charges could help in identifying pilferage in water usage.
   - Sewerage Management
   - Solid Waste Management and Scavenging

6. **Misc:**
   - regulate the Real Estate sector
   - alleviating urban poverty in a time-bound and systematic manner,with a thrust on upgradation of skills and training
   - Redevelopment of Slums in Urban Areas and Land Use Reservation for the Poor

Schemes by Government

- Rashtriya Gram Swaraj Abhiyan,making rural local bodies self-sustaining, financially stable
- Smart Cities Mission,harnessing technology as a means to create smart outcomes for
  citizens.
- Atal Mission for Rejuvenation and Urban Transformation (AMRUT)
- Deen Dayal Antyodaya- National Urban Livelihoods Mission (DAY-NULM),reduce poverty and vulnerability of the urban poor households
- Real Estate (Regulation and Development) Act, 2016,protect home-buyers as well as help boost investments in the real estate
- Pradhan Mantri Awas Yojana (Urban) Programme (PMAY- Urban),envisions provision of Housing for All by 2022 through Slum rehabilitation and affordable housing.
- Swachh Bharat Mission (SBM),aims to clean up the streets, roads and infrastructure of India's cities, towns, urban and rural areas

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Capacity building for conflict resolution

Left extremism

- 14 point resolution with emphasis on negotiation for conflict resolution
- special task forces on the pattern of the Greyhounds in Andhra Pradesh
- trengthening local level police stations, adequately staffed by local recruits.

- Formation of Oversight Committees for implementation of Recognition of Forest Rights Act.
- The nexus between illegal mining/forest contractors and transporters and extremists which provides the financial support for the extremist movement needs to be broken.
- relevant socio- economic issues such as land reforms, alienation of tribals from forest land etc. should be addressed and relevant laws must be strictly enforced. (National Workshop on Public Order held in, 2006)

Special Economic Zones

- proportion of land allowed to be used for 'non-processing' activities should be minimised
- vocational training centres
- It is necessary that industrial activities and SEZs are located in areas where they cause the least displacement and dislocation, and do not usurp productive agricultural lands

Water related issues

- proactive approach in disposal of inter state river disputes
- River Basin Organisations (RBOs) should be set up for each inter- State river
- national water law should be enacted,with emphasis on conservation and development of water resources of the country

Scheduled castes

- multi-pronged administrative strategy to end discrimination in letter and spirit.
- positive duty on public authorities for promotion of social and communal harmony
- Enforcement agencies should be instructed in unambiguous terms that enforcement of the rights of the weaker sections should not be downplayed for fear of further disturbances or retribution.
- police personnel in police stations with significant proportion of SCs and Sts

Scheduled tribes

- preventing dilution of powers of Gram Sabhas under PESA
- systematic re-organisation of existing land records with free access to information

- harmonise the various legislations (Land Acquisition Act, Mines and Minerals, Indian Forest Act, Forest Conservation Act) and government policies being

- harmonise the various legislations (Land Acquisition Act, Mines and Minerals, Indian Forest Act, Forest Conservation Act) and government policies being implemented in tribal areas
- assessing conformity of mining laws with Fifth and Sixth schedule areas
- capacity building and empathy of police personnels

Religious conflicts

- community policing,District Peace Committees/Integration Councils at district level,Mohalla committees at local level
- strengthening IPC and CrPc

Regional disparities

- composite criteria for identifying backward areas. E.g. Aspirational districts
- Block- wise devolution of funds targeted at more backward areas
- A system of rewarding States (including developed States) achieving significant reduction in intra-State disparities should be introduced.

North east

- incentivising and providing opportunities for civil servants to work in North East areas
- Ramping up NEC,devolution of more powers. The responsibility of sanctioning funds from the 'Non Lapsable Central Pool of Resources' (NLCPR) should be entrusted to it.
- promote the region as a preferred investment destination
- 'look east' policy
- Rail connectivity should be improved in the region on a priority basis.
- establish bank branches and other credit disbursement outlets
- setting up of centres of excellence for professional and higher education

Multi-Purpose National Identity Card (MNIC),to achieve convergence.

Terrorism

- Need for a comprehensive Anti-Terrorist Legislation with adequate safeguards to prevent its misuse (National Workshop on Public Order held in, 2006)
- Directions of the Supreme Court in Prakash Singh vs Union of India : State Security Commission (prevent unwarranted influence on the police) , Police Establishment Board (arbitrariness in transfers,promotion), Police Complaints Authorities , Minimum tenure of at least two years for the DGP, Separate the investigating police from the law and order, National Security Commission.
- creation of a specialized Division in the CBI to investigate terror offences.

Anti-money laundering measures

- Amending PMLA to expand the list of predicate offences to widen its scope and outreach
- The financial transaction reporting regime under the Financial Intelligence Unit (FIU-IND) may be extended to cover high risk sectors such as real-estate.
- Regional Economic Intelligence Councils (REICs) for increased coordination among various investigation agencies
- Media should be encouraged to evolve a self-regulating code of conduct to ensure that publicity arising out of terrorist attacks does not help the terrorist in their anti-national designs. E.g. 26/11 attacks
- Appropriate sensitisation training should be given to security forces for avoiding alienation of the people and for enlisting their cooperation. (National Workshop on Public Order held in, 2006)

Social Capital

- New Legal Framework for Charities in India.
- Corporate Social Responsibility,mutual consultation between the company and the local government to avoid overlap between similar developmental programmes
- The Foreign Contribution (Regulation) Bill, 2006 needs to be amended to smooth functioning of the voluntary sector

Self help Movement

- Govt's role as a promoter and facilitator in their growth
- A major thrust on the expansion of the SHG movement in areas of expansion

- Govt's role as a promoter and facilitator in their growth
- A major thrust on the expansion of the SHG movement in areas of expansion of formal credit
- NABARD Act, may be amended suitably to bring urban /semi-urban areas under its refinance mandate.
- Technology may be leveraged to reduce the cost of reaching out to the poorest of the poor.
- Professional education should be taken away from the domain of the existing Regulatory Bodies and handed over to specially created agencies

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e-Governance

- A congenial environment is sine qua non: will to change,political leadership support,overcoming resistance and generating awareness.
- develop a critical information infrastructure assets protection strategy
- Knowledge Management systems

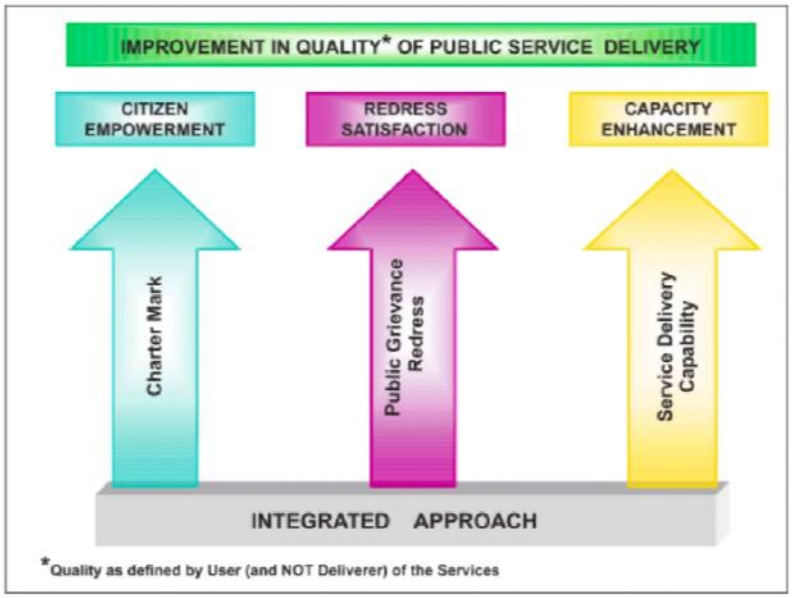
Citizen centric administration

- Citizen charters,spell out the services it has to perform and then specify the standards/norms for these services
- **Citizen charter:** One size does not fit all.

  Wide consultation which include Civil Society in process, periodic evaluation of charters, Benchmark using end-user feedback.

  Hold officers accountable for results, suitable mechanism for receipt of suggestions from citizens- 'Suggestion Box', Sevottam model

Central vigilance commission
Lokpal and Lokayutas
RTI,2005
CPGRAMS



Intended Outcomes of Implementing Sevottam

- outcome surveys , Grievance Redressal Mechanisms

  Process Simplification
- Good governance: ethos,ethics,equity,efficiency
- **Barriers to Good Governance:** Attitudinal Problems of the Civil Servant, Lack of Accountability , red tapism, Low levels of Awareness of the Rights and Duties of Citizens , Ineffective Implementation of Laws and Rules.

Organisational Structure of Government of India

- Rationalising the Functions of Government,with primary focus on core functions guided by the principle of subsidiarity
- The structure of the Government of India should be rationalised by grouping together closely related subjects in order to reduce the number of Ministries to 20-25. (Currently 40 in number.)
- System of policy evaluation to be carried out at the end of prescribed periods.

Strengthening Financial Management Systems

- Unrealistic budget estimates
- Avoid making token provisions and spreading resources thinly over a large

- Unrealistic budget estimates
- Avoid making token provisions and spreading resources thinly over a large number of projects/schemes.
- Skewed Expenditure Pattern - Rush of Expenditure towards the end of the Financial Year
- Ad hoc Project Announcements need to be stopped
- Emphasis on Meeting Budgetary Financial Targets rather than on Outputs and Outcomes
- A robust financial information system, on the lines of SIAFI of Brazil
- Internal Audit

State and District Administration

- size of the Council of Ministers in the States needs to be reduced further considering

  the needs of an efficient government. (91st amendment 15%)
- In making an appointment to a State PSC the Governor should consult the chairman of

  the UPSC and the Chairman of the State PSC.
- **District collector:** realingnment of functions with increased focus on core areas, land measurement surveys, e-District framework applicable to all districts, accountability of District collector in local matters.
- **Delhi NCT**: Union Government retains its overarching role over delivery of

  municipal services in the National Capital Territory, restructuring Delhi Police Establishment in consultation with Union and Delhi Govt
- **Ethnic Conflicts:** continue political dialogue among various stakeholders, upgrade the capacity and capability of the police forces (144 per 1L / UN recommends 222/1L), cross border movement of insurgents.
- **6th schedule areas:** Autonomous councils,also be covered by the State Finance Commission and the State Election Commission.; constitute District cadres for all Groups 'C' and 'D'

  posts (Classes III and IV) for performance of all 'transferred functions' ; smooth transition for Arunachel Pradesh's traditional 'Kebang system' to formal judicial system.

- **State finances:** . Financial Delegation and Operational Flexibility - the IFA system , Avoiding Fiscal Profligacy, zero-base review of programmes and schemes, internal and external audit systems.