Sri P.V. Narsimha Rao Memorial Lecture 2023



ETHICS IN GOVERNANCE

by

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Member of National Disaster Management Authority

Organised by

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The University, initially known as Andhra Pradesh Open University, was set up on 26th August 1982 through an Act of the A.P.State Legislature (APOU Act 1982). Subsequently the University was renamed as Dr.B.R.Ambedkar Open University on 26th October,1991. The establishment of this University, the first of its kind in India, heralded and era of affirmative action on the part of the Government of Andhra Pradesh to provide opportunities of higher education to all sections of society to meet the changing individual and social needs. The University is providing services to the student community through a wide network of 179 study centres spread across both Telangana & Andhra Pradesh States, including 23 Regional Co-ordination centres and 11centres exclusively meant for women students. Prison inmates under life sentence also enrol themselves as students and pursue education through exclusive study centres at Central Prison - Cherlapally, Warangal, Rajahmundry, Visakhapatnam, Kadapa and Nellore and exclusive Study Centre for Army Personal and their family members, which was located at AOC, Secunderabad. The University offers Certificates, UG, PG Diploma and PG Degree and Research Programmes in including various Professional Programmes.

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ETHICS IN GOVERNANCE

- Dr. Mohan Kanda

Introduction

It is probably the propensity, of the concepts of morality and ethics, to vary sharply, over time, regions and ethnic back grounds, that makes their study so complex, and prone to lead to inexact conclusions. Abortion, for example, is illegal in countries such as Iraq and Palestine. It is strictly taboo for Roman Catholics, while the law in India permits it under certain circumstances. Polygamy, similarly, is permitted by Islam, although it is illegal in India except for Muslims. Likewise, prohibition has also had a chequered history over regions and times. In Andhra Pradesh state, for instance, it has been permitted, as well as prohibited, at different times.

There are certain practices, and acts, however, which have remained invariant over time and space. No religion, for instance, considers murder, rape or kidnapping as permissible. Compassion, charity and respect for elders, for instance, have always been regarded as desirable attributes of a person, everywhere, all the time and by all cultures and religions.

Personally, it has always been my view that, to cause suffering, or pain, to a fellow human being, is the ultimate sin, and, to bring a smile to a person's face, the ultimate virtue.

To draw a parallel from real life, the dimensions of, and the material required for, the foundation of a building, will vary over time and space. Likewise, widow remarriage, same gender marriages, consensual extramarital relationships, consumption of alcohol, the rights of "trans-gender" persons and those of the children of "live-in" parents are all examples, of how perceptions of right, wrong, legal, illegal, moral, immoral, good, or bad, are not rigid, and can assume varying

manifestations at different times and in different places. As Shakespeare put it "nothing is good or bad, thinking makes it so".

In other words, something can be good, for some people, and bad, for others, at the same time and in the same place. But certain things are always good or bad, irrespective of the time and place.

My interest in the subject of Ethics started with the task I had undertaken sometime in 2011, at the instance of Sri K. Padmanabhaiah formerly an Officer on Special Duty (OSD) in the Cabinet Secretariat, and currently Chairman of the Board of Governors of the Administrative Staff College of India to mentor civil service aspirants for examinations and interviews, with special emphasis on the subject of Ethics, which had just been introduced as a part of the General Studies paper. The very fact that the Union Public Service Commission had done this, was ample proof, of the substantial emphasis, which the central government had begun to lay upon the need to infuse, into the arena of public administration a culture of ethical, and moral, governance.

Ethics is clearly an abstract discipline, not amenable to verification, or validation, by the tools, of scientific experiment, observation and inference, as handed down by Sir Francis Bacon.

As I started preparing for the lectures, I found that there was no definite, and easily located, source for the material required. I, therefore, set about the task of organising the requisite material from various sources, including the lives and times of great persons and their autobiographies, the printed media and the digital media such as the internet. I then begin to wonder how students would accomplish such a gathering of material, burdened, as they were, by many other demands on their time and energies. That was when the thought struck me, that I should write a book on the subject of Ethics in Governance to make it easy for civil service aspirants to access the requisite material.

* * *

The Narasimha Rao I knew

A.P.J. Abdul Kalam described P.V. Narasimha Rao as a "patriotic statesman who believed that the nation is bigger than the political system".

My first experience with Narasimha Rao was when he was Chief Minister of the then Andhra Pradesh state. I was serving as Sub Collector at Ongole. Those were the days just preceding the launch of the 'Jai Andhra' agitation, demanding separate statehood, for the Andhra region of the composite Andhra Pradesh state; a movement that later grew violent.

I remember an amusing incident in that context. A few days before the chief minister's visit, I was sitting with C. Ramaswamy, Superintendent of Police of the district, when a young reporter walked in. He was, apparently a greenhorn and quite immature, and proceeded to list out various problems which the district was facing, especially the headquarters town, Ongole. In an almost threatening tone, he warned that, unless immediate action was taken, he would bring those things to the notice of the Chief Minister. Ramaswamy listened to him patiently and, with a tolerant smile, told the reporter that whatever could be done would be done, and that the reporter was free to do whatever he wished. The Chief Minister came, fulfilled his engagements, and left. No sign of the reporter. A few days later, when I reminded Ramaswamy about it, he also looked a little thoughtful and enquired of the local Deputy Superintendent of Police what had happened. It turned out, apparently, that the DSP had been privy to the proceedings of the earlier conversation, between the reporter and Ramaswamy, and, and as a matter of abundant precaution, charged the reporter under section 268 of the IPC, relating to public nuisance, arrested, and him and kept him in custody, during the entire period of the Chief Minister's visit!

Narasimha Rao is easily the most underrated of all the Prime Ministers of India. His substantial contribution, in 1991, to rescuing the country from the brink of economic disaster has perhaps not been given recognition it deserves. He brought to the position his rich

experience in earlier responsibilities as the minister of Human Resource Development and minister of External Affairs in the union government. He was widely respected as a learned man. Proficient in Sanskrit Telugu and English, and a poet and writer in his own right, he commanded the respect of all sections of society including the acadamecia.

His tenure saw many sweeping changes, including overseeing a major economic transformation. Apart from having to face many home incidents affecting the internet security of India, Rao, who held the Industries portfolio, was personally responsible for the dismantling of the Licence Raj. In later years, Prime Minister Manmohan Singh was to describe Rao as the true father of economic reforms in India. In 1991.

He also broke many an accepted convention, by appointing a non-political economist, and future Prime Minister, Manmohan Singh as his Finance Minister, apart from appointing Subramanian Swamy, from an opposition party (the Janata Party) as the Chairman of the Commission on Labour Standards and International Trade and, in a stroke of sheer diplomatic genius, sending Atal Bihari Vajpayee, to represent India in a UN meeting at Geneva.

In 1990, when N. Janardana Reddy was the Chief Minister, I was posted in the Chief Minister's Office as a Special Secretary. Narasimha Rao had come to the state on an official visit and, as part of my protocol functions I was present at the airport. As he was being seen in a ceremonial function, the Governor, the Chief Minister and the Chief Justice were present together with many other dignitaries. As he approached the ramp of the air craft, the Prime Minister stopped, turned towards me (I was standing faraway near the tail of the aircraft), and said "Mohan, how are you"? And walked away. I was taken aback as I did not know why he did what he did. Later in the evening and Janardhana Reddy said in a pensive tone "this Prime Minister knows some people quite closely." I hastened to clarify any impression that I had some special proximity to Narasimha Rao, saying that I hardly knew him. He and my parents had known each other for a long time, that was all.

Again, after Janardana Reddy had stepped down, and Vijay Bhaskara Reddy had taken over as the Chief Minister of the state, Narasimha Rao had come to Nandyal, his Parliamentary Constituency, to inaugurate an exhibition on agriculture, set up by me in my capacity as Secretary to the State government in charge of agriculture. The helicopter landed and the Prime Minister and the Chief Minister stepped out and were walking towards the venue of the exhibition. I was standing far away. Once again, Narasimha Rao stopped, looked in my direction, greeted me and walked away!

Puzzled by this, I asked a good friend of Narasimha Rao's why this had happend. His explanation was that Narasimha Rao had a special way of communicating to everyone that he had a soft corner for certain people. That was his way of telling everyone that I was someone who mattered to him, and that he would be happy if my interests were taken care of!

PV, as he was fondly known to those who were close to him, as also to the media, was s famously reticent and uncommunicative person. He was also not known for quick disposal of matters placed before him. Silence was the most lethal weapon in his armory. John Keats said," heard melodies are sweet, but those unheard are sweeter". In the case of Narasimha Rao, if the spoken word was wise, the one unspoken was wiser! He also had perfected the art of postponement of issues till they got resolved by sheer efflux of time.

Narasimha Rao and Vajpayee were great personal friends. So much so that even after the Congress party lost the election, and the BJP led Vajpayee government was in place, their relationship continued to flourish. Among the many things that served to bond them were their experiences as Union Ministers in charge of External Affairs, and also as poets and writers.

In 1999 I was serving as an Additional Secretary in the ministry of Rural Development. Venkaiah Naidu, my minister at that time, received a message from, Prime Minister Vajpayee, that I was to be designated to assist Narasimha Rao in the preparation of a report for identifying

the hundred most backward districts in the country. Thereafter a massive nationwide a program for assistance to those districts was to be prepared under the aegis of Ramananda Tirtha Society with which Narasimha Rao was closely associated. As a part of that arrangement I used to call on him frequently to assist him in putting that report together. A workshop was also ecentral as part of that exercise at the National Institute of Rural Development in Hyderabad.

It was during that period that I really got an opportunity to study the man at close quarters. I found him to be a man with great intellect, maturity, wisdom and erudition. He was, by nature, reticent. This was more than adequately compensated for by the fluency which went into his writings. He was a true scholar with in-depth knowledge of the scriptures of various religions and the writings of many great authors. He was also a linguist and wrote, spoke and read several tongues. He had a genuine and well-known empathy with the cause of the weaker sections of society. He also had a passion for the development of the backward regions of the country. Sadly, however, the work in relation to the identification of backward districts, which had already been mired in various sensitive and complicated issues, remained incomplete. In his semi-autobiographic novel, 'The Insider', Narasimha Rao describes some of the shocking but true events that took place in his time.

I shall, forever, cherish the moments I spent with him. The conversations I had with him enriched my knowledge of various important national and international issues. Here truly was a great son of India, many of whose accomplishments, and achievements, remained unsung for.

And the end was not to be as glorious as a person of his stature and accomplishments deserved. The day he passed away, the central government declined to entertain, request made to elect a memorial for Narasimha Rao alongside other past great sons of the Nation, such as Gandhi and Nehru. And, as Chief Secretary to the government of Andhra Pradesh, I watched his funeral pyre burn on the Necklace Road in Hyderabad. The Telangana government has covered itself with glory,

and more than made up for the earlier lapses, by erecting a wonderful memorial for him in the same area.

* * *

Before I talk to you about Governance, Ethics and Ethics as related to Governance, let me spend a few moments, drawing up a the balance sheet, of the country's achievements, and failures, as we celebrate 75 years of its independence or 'Azadi Ka Amrit Mahotsav' as it is now being called.

* * *

Easily the foremost among those is the country's long history of being home to diverse cultures from times immemorial; its having been the incubator for ancient civilizations and the rich heritage of open armed welcome to all creeds and faiths.

There are many things that fill me with pride at being an Indian.

The success of the unique, and stand – alone, non - violent independence movement that freed India from the clutches of colonial rule comes next.

Then, vast the biodiversity, and the presence of all known agro-ecological systems in the world, natural endowments that our country has been blessed with.

The transition of the country from the "ship-to-mouth" era of the 1960s to today's almost embarrassing food grain surpluses, made possible by the green revolution.

The performance of our constitutional institutions, especially the Judiciary, the Election Commission and the Union Public Service Commission.

It is indeed a glorious feeling to watch, in real time, the interplay of the three wings of the state – the executive, judiciary and legislature – vindicating the faith the constitution makers had in the doctrine of separation of powers and the system of checks and balances.

Many more institutions, such as the Indian Council of Agricultural Research, together with its network of institutions, the Indian Institutes of Technology and the Indian Institutes of Management have carved an enviable niche for themselves in the international academic arena.

The performance of our youth, in games and sports, in many prestigious world events –athletics, tennis, badminton, chess, cricket, rifle shooting, wrestling etc. has filled one's heart with pride and joy.

The successful completion of missions such as Mangalyan and the exploration of, and the establishment of a base in, the Arctic continent are also reason for rejoicing.

The amazing story of Amul, in dairying, and the dramatic evolution, of women's self-help groups, from an anti-agitation in the (then) Andhra Pradesh state, into a nationwide women's thrift movement are causing other phenomena that reflect the progress of our great nation.

The great philosopher Voltaire said that where the press is free, and people are literate, democracy is safe. It is indeed gratifying to see the country marching steadily towards the attainment of these two goals.

Then come the autonomy, and the freedom, enjoyed by the print and electronic media. Contemporary in contrast and tech savvy, the newspaper, magazine, TV documentary or channel in India today can give a run for their money to the best of their counter parts in the world.

I often recollect the great contribution, made to the stature that the media in India have today achieved by stalwarts such as Chalapathi Rao of the National Herald, Pran Chopra of the Statesman, Arun Shorie of the Indian Express, and many others.

But if one stops there, looks around and takes stock of the overall situation one cannot help noticing that there is a substantial flip side.

Once again, there are many factors that contribute to a feeling of disappointment and disenchantment, if not depression, about how we have fared as a nation in many other spheres. For instance,

The fast spreading virus of divisive trends in the country and the growing intolerance.

India, after all, is not merely the country where the Vedas were born. Mahavira, Guru Gobind Singh, Gautam Buddha were also sons of this soil. Leaders of the revolt against the oppressive regime of the Nizam of Hyderabad and some of the most distinguished members of the Judiciary and the Bar, and much respected contemporary political leaders have all come from the many strands that contribute to the rich fabric of our society – Muslims, Christians, Zoroastrians, Sikhs, Jains and Buddhists, apart from Hindus. Islam, Christianity and Buddhism are today faiths to which perhaps more people subscribe in India than the populations of the nations where they are state religions.

Thus the advent of intolerance, no matter how isolated the instances may be in geographical terms, or how insignificant in numbers the people associated with that malady may be, is indeed as surprising, as it is painful.

- *The lowly rank assigned by the United Nations Development Program (UNDP) to India in the Human Development Index – an index that measures fundamental parameters as longevity, access to basic human needs etc.*
- *Babies being sold in major metropolises despite many progressive laws on the statute book.*
- *The persistent and totally unacceptable barbaric treatment of women in certain parts of the country.*
- *The continued inability of the agriculture sector India to grow at a satisfactory rate and the consequent acute distress of the farming community leading the tragic consequence of large scale suicides by farmers.*
- *The alarming and unchecked deterioration and degradation of natural resources in India water, land and air.*
- *People dying on account of cold waves, heat waves, floods in rural areas and flooding in cities, largely on account of long years*

criminal neglect on the part of the central and state governments in regard to putting in place the fundamental requirements of disaster preparedness and the failure to accord to that subject the priority it deserves in the national agenda.

- *The fact that corruption is becoming increasingly manifest in many walks of public life – the shame of having to see political leaders, civil servants, professionals such as doctors, engineers, chartered accounts and lawyers –and even judges – tried, convicted, sentenced and jailed – and enormous trust deficit created in the minds of the public as a result.*

The malaise of corruption, that has led to such a pass, can be traced to several causes, including the lack of transparency in public life, the absence of a statutory regime of stringent punishment for graft, poverty, which is known to cause a callous attitude towards morality, the failure on the part of the higher echelons of governance to decentralise power and authority, thus widening the chasm between citizens and public institutions, and inadequate remuneration, for particularly for public servants at the cutting edge, leading to the compulsion to seek alternative sources of income.

The hypocrisy practiced by some government officials, by way of demonstration of their integrity, not only to others, but also to themselves, can sometimes go to extreme lengths. For example, there was this senior civil servant, whom I know, who would, after office hours, travel in his government vehicle to a government office very close to his home, and walk the rest of the distance on foot, today also day the journey from his office to the office near his house was recorded in the log book of car as 'official'. Clearly, a hypocritical practice, caused by prohibition use, of government vehicles, were 'so called' private use' 'so called', because commuting from home to office, can hardly be termed entirely private. The state government, conscious subsequently, took the sensible step of allowing officials, of seniority above a certain level, to use government vehicles for private purposes, on payment of a fixed monthly amount, a much more practical arrangement.

I wonder if you have heard of the tehsildar in a state who was facing the threat of suspension from his superior officer. When the superior officer was asked, by a friend, why such a harsh measure was being contemplated, against an essentially honest man, he retorted, "All his salary is illegal gratification!"

On balance, however, I am satisfied that there is little cause for despair.

Just as the phenomenon of water boiling and becoming steam, the transition from one state of order to a state of higher order is invariably marked by an intervening period of chaos.

This, I believe, is what happened in India,

- First soon after it broke off from the shackles of the tyranny and exploitation of colonial rule, and
- again, after the structural adjustment its economy went through post liberalization, privatization and globalization.

Pre-independence India saw many social evils and economic inequalities writ large especially on the rural scene. Untouchability, child marriage, the zamindari system, the despotic regime in some princely states and the absence of a voice for the common man in the affairs of the nation were only some of these.

Freedom obviously was a good thing to have happened. Its sudden onset, and the complete and violent change it brought about in its wake is where trouble lurked.

The situation was not unlike a fasting person breaking his fast not with a gentle glass of lemon juice but with a seven course spread. One wonders whether, at that time, we as a country did not bite off more than could be chewed or started chomping on much more than what we could hope to swallow and digest.

Universal franchise and votes for women, sans a Suffragette movement (as in UK) or a struggle (as in USA), laws making untouchability, child marriage, zamindari and princely states things of the past – perhaps too many good things happened too soon. Even

contradictory phenomena such as the growth of trade unions on the one hand and development of private industry on the other were witnessed.

Once the dust settled down an a semblance of order began to appear but it was another four decades before the second watershed, namely structural adjustment, kicked in.

* * *

"For forms for government let fools contest. Whatever is best administered is best", said Alexander Pope.

What, then, is "best"? According to me the answer can be found in many places. The simplest definition, however, was given by Mahatma Gandhi who said "not even God would dare to appear to a hungry man except in the form of bread".

Taking Gandhiji's philosophy a little further, a government has many fundamental responsibilities to discharge to the people it exists to serve. Apart from guarding the sovereignty of the nation, maintaining law and order, establishing good diplomatic relations with other countries and managing the physical and financial aspects of the economy, a good government is clearly expected to ensure that all citizens have access to basic human requirements such as drinking water, nutritious food, good education, health and medical care, housing and a remunerative livelihood. In other words, everyone should be able to enjoy the rights to what Thomas Jefferson famously called, 'life, liberty and the pursuit of happiness'.

Life, in the absence of an ordered system of governance, is "solitary, poor, nasty, brutish and short" said Jack Hobbes, the founder of the social contract theory.

It is now more than 75 years down the line after the historic non-violent movement won Independence for the country freeing it from the clutches of colonial rule. The democratic form of government chosen by the makers of the Constitution of India has struck firm and deep roots.

Also, within India and essence where in the world, the concept of good governance has gained increased recognition over the past two decades and more.

Good governance has, times immemorial, figured high on the agenda of governments of countries around the world, as in its absence scourges such as poverty, conflict, violence, unchecked population growth, climate change, and natural disasters flourish, unchecked.

Good governance means much more than the merely institutions and the precepts that inform the manner in which they discharge their responsibilities. It is not just about efficient and prompt delivery of the goods and services to the citizens. It is a process; a process whose quality touches and impacts upon every aspect of life at different levels and in different dimensions. It is a goal to be realized as part of the process of growth and development of the nation; in the socio-economic, political, cultural fields and also in the responsive and competent functioning of all the wings of the states - the legislature, the judiciary and the executive at all levels.

The Bhagavad Gita says that, "the foundation of good governance is righteousness in public affairs".

Good governance needs, among other things, a solid foundation of ethical and moral precepts. What is' good', however, is known to be a function of time and geography. What was unacceptable a few decades ago, may have become the norm of today's society. Similarly, things which were regarded as sacred, and noble, sometime ago, may be viewed as immoral, and unethical, today. An interesting aspect of the evolution, over time, of constitutional institutions in India has been the acceptance of the expanded roles of the wings of the state, especially the judiciary, over and above what was originally envisaged. In its landmark judgment, in the Kesavanand Bharati case, the Supreme Court of India laid down a new doctrine of the "basic structure" of the constitution. As a result the power vested in Parliament to amend the Constitution of India can no longer extend to curtailment of that basic structure – which includes chapter-III in which the fundamental rights

of citizens are enumerated. Since then there have been many judgments of the Supreme Court that have had the effect of that Court being accorded the role of a forum not merely for testing the constitutional validity of laws made by Parliament or the state legislatures, but also for handing down rulings that have had the force of law - the recent judgments in regard to the rights of "trans-gender" persons and the children of "live-in" parents are striking examples. Some other examples of that proactive role are directions/verdicts in a host of issues such as ensuring the use of Compressed Natural Gas (CNG) by public transport vehicles in New Delhi, ordering the venues of cricket matches out of drought affected areas, entry of women into temples and a *suo motu* examination of the constitutional validity of the Muslim Talaq law.

On occasion (such as the position adopted by the central government in regard to the constitution of the National Judicial Appointments Commission - NJAC) there has also been some discomfort in the relationship between the executive and the judiciary.

Similarly the boundaries, separating the constitutional mandates of Parliament and the executive, have also been redrawn from time to time. The Members of Parliament Local Area Development Scheme (MPLADS) is an instance of legislators being given a direct role in a sphere that would normally have belonged exclusively to the administration. Civil servants discharging magisterial functions (members of the IAS as sub-divisional magistrates, additional magistrates and district magistrates and those of the IPS entrusted when entrusted similar functions in commissionerates of police are examples) or quasi-judicial functions in certain posts, the central and state governments making rules under acts passed by Parliament or the state legislatures (rules which have statutory force and are subsequently tabled in Parliament or the state legislatures as the case may be), are illustrations of the executive performing what amount to legislative actions.

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Ethics is gaining prominence, in the debates on Governance, in recent years, on account of increasing expectations from people in regard to ethical standards in public services. There is a general perception, across the country,that values, and standards, in the delivery of public services, are on the decline. This raises questions about the costs of misconduct on the part of public servants, costs in terms of losses in trust and confidence in public institutions charged with promoting economic and social development. There is a move, worldwide to restore, a measure of trust, in the integrity of public institutions and officials, to improve the quality of service delivery and promote better governance.

Ethics also plays an interesting and practical role in the realm of international relations and diplomacy. The arena is filled with intrigue and secrecy with self-interest dominating the relationships. As Lord Palmerston famously said, in the context of England's foreign policy, "we have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests, it is our duty to follow". While selfishness may not be a virtue when it comes to individual conduct, It clearly needs to play an important role in informing the foreign policy of a country as the interests of millions of citizens are involved.

One recalls, in that context, the famous quote of Henry Adams, "morality is a private and costly luxury". Adams was the one who, also told us, with characteristic cynicism, that "morality is a private and costly luxury".

In the Indian subcontinent, Ethics has been deeply rooted in the approach of the rulers since times immemorial as evidenced by the Vedic scriptures which preached "Vasudaiva Kutumbam" - universal brotherhood and the establishment of - peace and harmony among the subjects.

The Puranas such as the Ramayana, followed by the Mahabharata, had evolved from the Vedas. The exemplary rule of King Rama was universally acknowledged as an ideal form of governance (Rama Rajyam). While the Ramayana highlighted Dharmic values in

governance, the Mahabharata emphasized the principles of good administration such as Raja Neeti and the need for the conduct of the King towards the people to be informed by ethical values.

Chanakya is perhaps the only person acknowledged as a genius by Indian, Oriental as well as Western scholars. His work represents a historical milestone in the making of India traversing which we observe many upheavals and myriad reversals. His book "Arthashastra" clearly defines the functions of all the people involved in public administration and remains relevant even today.

Medieval India saw the regimes of many great rulers like Akbar, Prithvi Raj Chouhan, Sher Shah Suri, among others. This period saw the ushering in of many reforms and farsighted measures intended for the welfare of people and development of the kingdom. Ministers like Raja Todar Mal during Akbar's times introduced the concept of standard weights and measures. Many of the methods of data collection practiced over the centuries in the Indian subcontinent and neighboring countries were informed by the features of his initiatives. The provision of ethical governance was the underlying objective all through.

After Independence, the Government of India, following the recommendations of various Committees, initiated several measures to improve the efficiency of administration. Nearly all of them rely on the conviction that ethical and moral actions should remain the guiding principle of Good Governance. The mandate of the first Administrative Reforms Commission headed by Morarji Desai initially and later on by Shri K. Hanumanthaiah, included a study of Ethics in Governance and proposed the setting up of a Lokpal. The second Commission, which was headed by Veerappa Moily, also submitted a report on Ethics in Governance. The practice, of professions, such as Medicine, Accountancy and the Law is regulated by self-imposed standards and codes enforced by established institutions.

As the world entered a new millennium, society was confronted with imposing challenges and fateful choices demanding principled leadership and institutional creativity in delivering public services. Today there are so many conflicting demands being made on

professional public servants that they have to prioritize and choose among several competing value sets. Which particular set is preferred depends on cultural socialization, political regime, social conditions, economic pressures, institutional arrangements, peer group pressure, organization culture/bureaucratization, and even personal conscience. Again which set is employed varies from country to country, regime to regime, government to government, organization to organization, according to the conditions at any particular point of time and the nature of the organization's activities, supporting groups, vested interests and clientele, not just internal rules, group norms and individual preferences.

Governance has continuously to measure up to the expectations of citizens, combined with the evaluation criteria of efficiency, effectiveness, economy and value. In fact, the economic conception of public service leads us to the idea of delivering goods or services below cost, not forgetting quality and the essential factors named above. The outcomes are obviously imperative, but Public Administration "must, primarily, have the duty to observe the legality of its acts and to respect the citizens' rights and needs" with ethically responsible conduct as a fundamental factor of evaluation.

The time has come to move from dreams to reality. Personal ethics cannot be separated from the public context in which most of us are destined to spend the majority of our lives, be it working for the private sector or a government department. The lessons of ethics are learned throughout our lives as we associate with others and play a very important role in influencing the personal and professional conduct of people and the functioning of the Society as a whole.

The very survival of society, as an independent, democratic, prosperous and sustainable organism, depends on the ability of its members and its public servants to maintain the high ethical standards.

The challenge, however, lies in ensuring that ethical values are followed and applied in our daily lives, and in particular, in matters relating to governance. 'Ethics in Governance' essentially refers to customary values and rules of conduct in public administration -

including selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

* * *

Carbon sequestration, for example, is another good example of varied ethical values. How can a developed country force developing countries to accept their ethical values about carbon conservation where the utilization of coal leads to power, literacy, health care, welfare for women and children, etc. for instance as in India. For most developing countries, generating power in the short term unfortunately means you have to use carbon, or fossil fuels, since hydel energy is insufficient, nuclear energy has its limitations while other options are still being researched. Can a developing nation save for the future at the cost of the present generation, especially in the context of widespread poverty, exploitation, and all that stems from it? Developed countries do not have as many pressing humanitarian implications, and can hence afford not to use carbon. So is the case with the ethical issues involved in the Intellectual Property Rights regime of the World Trade Organisation or the question nuclear non-proliferation. Is it not easier for a country that has a nuclear weapon to stop producing more or to decrease its current stock, while it is quite not the same for a country exposed to risk of insecurity.

A good example of the ethical debate concerns the forces of the liberalization, globaliation and privatization of the Indian economy. Patent laws do not restrict access to knowledge but discourage its use. They levy a premium on the use of knowledge that affects developing countries. The Vedas were the original examples of patenting: the exclusive preserve of a minority that people in general could not even access; they were passed on by word-of-mouth, only to a chosen few, and were esoteric to the commoner. Today however, they are all in the public realm and 'available' for everyone to read and assimilate. Still, access to that knowledge may require a certain amount of training or education. But then so does understanding biotechnology or the game of cricket!

Saadi, the famous Persian poet, says, in his legendary 'Gulistan', that a person who remains silent when required to speak, and he who speaks out of turn or unnecessarily, is not a wise man. It is this balance between silence and speech, and, consequently, action and inaction that one must learn to acquire. As in every other aspect of ethics, the area to be chosen for action or speech is neither black nor white. Life is mostly an experience concerned with greyness, and it is that one must learn to comprehend.

It is also necessary to remember that a sense of proportion needs to be a critical component of one's judgment in matters of deciding what is good, bad, right, wrong, or virtuous or sinful.

A related question is also whether an ethically acceptable objective is enough to define a proper approach or the method adopted to achieve that objective also needs to be approved by the norms of moral values. Gandhi, as is well known, was as fastidious about means as he was about the ends. Hence, his accent on 'ahimsa' or non-violence as a means of achieving independence for India.

To illustrate this dilemma, let us go to the story about a person, irritated by beggar, seeking alms, throwing a coin at the beggar, with a view to causing injury. The beggar, however, picks up the coin and uses it to have a hearty meal. The question is whether the man's conduct was virtuous or not. Clearly, if one is to go by the end result the action was a good thing. On the other hand, if one is to judge it by intention, it would constitute a sinful act.

I recall another incident which is relevant to the context. I was a joint Secretary in the Ministry of agriculture in the government of India and Kamal Pandey was the secretary in the ministry. One morning, as we were drinking coffee, the question came up, of ethical conduct on the part of public servants. As the conversation progressed, I noticed a tendency on the part of Pandey to be extremely dogmatic about the issue. We were reaching a point where ethical conduct might be beyond the ability of a normal civil servant. Merely to draw him into a neutral ground, I asked him whether he had spoken to his wife that morning. Looking a little irritated, he said, " what does that have to do what we

are talking about?" smilingly, I said, you will understand, please answer my question. rather grudgingly, he admitted having spoken to Mrs. Pandey. I pressed on, asking him which phone he had used the RAX one (which was an internal arrangement, not chargeable), or the P&T one, which, when used, attracted a per call charge. Visibly annoyed now he said I can't really recall but I think I used the P&T one. Promptly I asked them whether he had paid for that chargeable call. It was then, while trying to point an saying that such trivial issues should not enter our discussion, that Pandey realized the need for a sense of proportion in such matters.

* * *

In February 2012, the Telugu daily 'Eenadu', carried an item speculating that I was to receive a notice from the local officials of the Central bureau of investigation (CBI). Asking me to help them in a matter.

I had, for some time, been following the developments relating to the ongoing investigation by the Central Bureau of Investigation (CBI) into the allegations of accumulation of disproportionate assets by some political leaders. Some senior officials of the state government had already appeared before officials of the investigating agency. The proceedings were covered prominently in the media with an occasional sensational twist. In fact I had been the Chief Secretary of the state for about a year during the period covered by that investigation. The facts of the case, however, rang no bell in my mind and I could recollect no details of the role, if any, I had played in the matter. The news item, therefore, came as a surprise to me.

Needless to say, I was somewhat unhappy that my name should have been dragged into the public domain in that unpleasant context. One deals literally with thousands of issues, especially in a position such as the Chief Secretary to a state government, and it may not always to possible to reconstruct events and remember precisely what the sequence of events was and the reasoning that formed the basis of a particular recommendation made years ago.

In any case there was no wishing away the need to answer the call of duty, the irritation caused by the circumstances notwithstanding.

I told him that as the records of the case would be available for reference at the offices, I would be able to refresh my memory, especially in view of the passage of several years since the reported events had occurred. The two officials were good enough to agree that I could go to their office the same day, despite the fact that they had to reorganize their schedule which, naturally, was chockfull of commitments.

While travelling to the CBI office, I thought back to the little exchange I had had sometime in 2005, with Y.S. Rajasekhar Reddy the then Chief Minister of AP. I prided myself of generally being prompt in the disposal of papers. The CM was also not a person prone to complaint. He did, however, on one occasion ask me why a particular matter appeared to be getting delayed at my end.

Without so much as thinking about it, I replied that whenever I shut my eyes while disposing of my papers, I found myself wondering whether what I intended to write would, years later, be called into question and, if so, found to be in order, by the likes of CBI, the State Assembly and Parliament, the Central Vigilance Commission and the Supreme Court! Rajasekhar Reddy appeared surprised at my somewhat exaggerated justification of delay. I thereupon pointed out to him that the prevalent procedures at the centre and the states required officials to defend before such institutions the rationale behind decisions taken by governments. This was so even when the decisions in question had been taken with the prior approval of or, for the matters at the instance of the political masters. And officials had to perform this duty not only while in service but even after retirement.

I had said what I did at that time more for the sake of saying it and had not imagined that the full import of my prophetical statement would actually be realized in my own case in the future! And the irony was that, years after leaving service, I was back in the public eye for the wrong reasons (and disliking the fact as much as I did earlier), I had spent enough of my time on drafting rejoinders to refute baseless

speculation in the media. And correcting wrong impressions sought to be made in the public mind by politicians catching one in the crossfire while one party traded accusations with the other.

In the event, the meeting with the CBI officials turned out to be a routine work. But for a few instances, my simple analysis and to-the-point responses appeared to surprise the officials. My attention had been drawn, for instance, to a particular matter which had passed through my hands.

They asked whether I recalled any pressure having been put upon me in that connection. "Of course!" I exclaimed, "there's always pressure applied in all matters." Which was quite true really. It was quite common, in fact, for phone calls to be received from Ministers, other political leaders, even before a file had reached one's desk. At another point in the conversation the question was whether the issuance of a government order was not a favour to particular party. Once again surprises the two officers when I said. 'Naturally!'. Most government orders usually benefit some and others lose out. I explained to them that nearly all issues could easily be settled at the level of the local police station or the taluk office, given the authority vested in the officials at those levels and the existence of elaborate instructions relating to disposal of matters. Government intervention is normally necessitated only when competing interests bring higher echelons into the picture, each party decision a dispensation in its favour. Invariably, whichever way the matter goes, one side feels favoured while the other nurses a grievance of perceived injustice.

Thus having duly imparted 'gyan' to the young officers I left, relieved that matters had been clarified to their satisfaction during the interaction. In the process I had however, come across several documents and depositions earlier given by other officials. I could not help reflecting that some of my colleagues had adopted a regrettable and somewhat indefensible attitude. The stand some had taken was that something had been done as the Minister or the Chief Minister had wanted it done that way. And they had taken such a position not only when their actions were contrary to the advice tendered but also when they were

patently irregular or contrary to the rules or the law. The media, and influenced by their point of view, the public, were actually sympathizing with the so called political 'interference' leading to officials being pressurized into issuing irregular orders.

I felt quite unhappy with the inability of those civil servants to stand their ground with their masters. As L.K. Advani said of the behavior of the media during the days of emergency in India in 1975, "when asked to bend, they crawled," and behave like sissies not public servants guaranteed constitutional and legal protection.

I recalled that, as Chief Secretary I had come across instances of colleagues giving in easily to pressure brought to bear upon them by political leaders and businessman and such – offering little or, at best, token resistance. As a measure of reminding them of their duty as principled public servant I had caused a circular to be issued on how they should deal with orders of their Ministers or the Chief Minister when such orders were not in the public interest. While exhorting them to stand their ground in such situations I had drawn their attention to the provisions of the Secretariat Business Rules (BRs) which specifically empowered Secretaries and other senior officers with the right to ask for reconsideration of such decisions.

In practice such reconsideration could be asked for because the official concerned felt that the advice tendered by him, although in order in the context of the facts of a given case, had been overruled and orders passed that may have been arbitrary, mala fide or discriminatory, had they been implemented. Another cause for insisting upon a second look could be that the orders in question, if given effect to, would result in deviation from the policy laid down by the government. The BRs provided, in addition, the remedy of an appeal to the Chief Minister if the Minister refused to change his orders even after reconsideration. Such an appeal would have had to be routed through the Chief Secretary as also that Minister thus providing the latter with another opportunity to withdraw the earlier orders.

As a Secretary to the state government I had, on more than one occasion, taken recourse to those provisions of the BRs. I recalled,

with satisfaction, that a minister had preferred to resile from his stand, to having to explain, to the Chief Minister, the rationale of orders behind his stand.

* * *

I recall, in this context, another incident which dates back to 1972. General elections were being held and I was Sub Collector at Ongole in Prakasam District, Andhra Pradesh. I was also the Returning Officer (RO) for Parchur Assembly segment.

It was a fiercely fought election marked by violent incidents. X of the ruling Congress-I party and another candidate Y were locked in a close contest. On the day of the counting, X was in hospital in Guntur town following injuries sustained in a clash. When the counting concluded, X trailed by 250 out of a total of about 50,000 votes. He promptly requested for a recount as provided in the Electoral Law.

My immediate impulse would normally have been automatically agree to the request. But the situation called for a dispassionate review of the procedure and arrangements that we followed during the counting: (Number of tables: 2 more than the required; number of counting assistants and supervisors – more than prescribed; agents of both parties present at every table and at the counting hall, RO (myself) and the Assistant Returning Officers did a good deal more than the prescribed percentage of checking, all disputed ballot papers duly settled as per procedure!

The ethical question to answer was not whether the result itself was accurate, but whether the result emerged from the procedure laid down and the prescribed precautions. The duty of the RO is to organize counting, not to count the votes! Feeling that what was enquired had been done, I rejected the request for a recount referring to the procedures and precautions as listed above through a speaking order.

Mr. X challenged the result in the High Court, and subsequently a recount was ordered by the Court. Mr. X however polled less! And as a result of the recount the position I took stood vindicated.

I shared a forum with Dr. Abdul Kalam some years ago while I was a member of the National Disaster Management Authority (NDMA). I have known him fairly well and, as we chatted, he asked, "Mohan, what are you doing these days"? I knew he was aware of my job and, somewhat surprised, said "Sir, I am a Member of the NDMA".

"I know that", he said impatiently, "but what are you doing"?

Kalam was teaching me the value of 'doing', in contrast to 'window dressing'.

* * *

In India, as I personally see it, the Mahalonabis model, of economic growth and overall development, together with the Nehruvian dream, of "growth with justice," faded away and yielded place to a new paradigm, of "growth and justice".

Thereafter we have, on the whole, acquitted ourselves reasonably well and today India's face, at seventy, looks quite unwrinkled though the smile is somewhat tentative and uncertain.

Those, at the helm of affairs of the nation, will have to imbibe the art of arriving at a short list of options at their disposal, if necessary to the exclusion of all else. From among those, they need to arrive at a prioritised strategy to approach them. Hosting of international sports events, mounting expeditions to the Arctic, exploring outer space, or organising film festivals, may have to take a backseat, while attention is focused on fundamental issues, such as those mentioned earlier, in addition to dealing with the increasingly alarming situation, on the borders of the country, created by inimical, aggressive and powerful neighbours. Food security, climate change, degradation of natural resources and combating terrorism are other challenges that cannot await being dealt with.

The common citizen is entitled to be promised a time bound solution to these vexing problems.

To cut a long story short, we have, to our credit, a number glorious achievements and spectacular accomplishments.

There is, however, a long way to go before we can rest on our oars. Hunger, poverty, disease, squalor and fear remain as scourges that continue to haunt millions of our people in many parts of the country. Availability and access to drinking water, nutritious food, health, education and a life with dignity, remain but as elusive and distant dreams for a large section of our population.

There is thus, a mammoth nation building task ahead of us, a task full of travails and challenges.

Sagacity, and wisdom, are the important attributes that the leaders and administrators of the country today need to possess, if their actions are to prove equal to the hopes and aspirations of the people who put them where they are today.

People can no longer await their turn, for catching the attention of those in charge of governance. Given undivided emphasis on such a short agenda, the institutions of the country, and its citizens, have the talent, energy and ability to achieve what is set before them with efficiency and speed. The response of the farming community, in the days of the Green Revolution in the 1960s, and the restraint, and discipline, shown by the entire population, during the recent Covid – 19 pandemic, serve as apt examples of this trait in the Indian citizen. Not to mention the enthusiasm with which people, from different walks of life, responded, to the call, from the union government, to join the movement of 'Swachh Bharat'.

It is to the task, of arriving at the list of options, and the manner in which it needs to be addressed, that the sagacity of political leaders, and the experience of senior civil servants, will need to make an important contribution.

The overriding importance of containing, if not eliminating, the scourge of corruption, will surely have to figure near the top of such a list. Also, some important features will need to be built into the overall strategy. There is no area of governance where the worn out cliché, of prevention being better than cure, has greater relevance than an anticorruption movement. Putting in place a regime of statutes, and

rules, that makes corruption both an uninviting, and difficult, proposition, will of course, be necessary. Greater emphasis will also need to be laid on strengthening, and modernizing, vigilance and enforcement mechanisms, so that the need, for taking resort to the obsolete, and relatively less effective, option, of punitive measures, will be minimized. The movement will also need to be informed with a sense of proportion. The trivial, and the mundane, will need to be ignored and space so left vacant, filled with imaginative, and coordinated efforts, to identify, and deal, mercilessly, with large scale graft, such as the scams one has seen, in recent times, in the telecom sector. There will, no doubt, be, considerable residual space, between these categories, occupied by acts of misconduct, and irregularities of considerable, but not substantial, nature, which can, and ought to, be left to the administrative apparatus to deal with. Such an approach, together with the accent on preventive measures, rather than post-event responses, if implemented sincerely, should be showing visible results in the foreseeable future.

Pompeia, wife of Julius Caesar, was arrested upon suspicion of illicit relationship with Clodius Pulcher and tried for that offence. Caesar, when questioned after divorcing Pompeia, famously said that "my wife ought not even to be under suspicion". Those holding public office should not only be above suspicion, but should clearly be seen, by the public, as being so.

What is needed is, for the leadership in the country, to set an example. Caesar's wife, after all, needs to be above suspicion!

Clearly not an easy proposition, this business ethical governance!

Omkara

BIODATA



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