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**Ethical Challenges in Public Services:
The context of *Panchayati Raj* in India**

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Abstract

The rural governance in India i.e. popularly known as *Panchayati Raj* (three tier structures at the District, Block and Village level) is an instrument for social betterment and holistic development of the rural people. Therefore it is expected that *Panchayati Raj* should do everything in a rightful way from planning to implementation as per the spirit of 73rd amendment of Indian Constitution. But the serious challenge faced by rural governance is mostly the absence of ethics in its operations; which culminated large scale corruption, mismanagement of resources, ineffective public service delivery, dishonesty and no commitment. Today, in the age of globalization, if the fruits of development have to reach the 65 percent of India's rural population, rural governance must be ethically empowered. The proposed research paper concerns itself with the theoretical implications of the concepts of ethics in the rural governance in India. The paper first discuss the meaning of ethics for rural governance; then based on these, further analyzed the ethical problems and challenges in rural governance and discuss the need of enhancing high ethical conduct in Rural governance. Finally, after analyzing the ethical issues in rural governance, the author tried to put forward some suggestions and solutions to instate ethics in rural governance.

Key Words: *Panchayati Raj*, ethics, governance, India

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Introduction

The rural governance in India is popularly known as *Panchayati Raj* (three tier structure at the District, Block and Village level) and it play significant effort to democratic and decentralize governance to promote greater participation by the ordinary public in their own governance. This process of democratic decentralization was set in motion with the Constitution Act (Seventy Third Amendment) passed by the Indian Parliament in 1992, which enabled grassroots democracy and governance through PRIs in rural areas. This Amendment ensures the responsibility for taking decisions regarding activities at the grass roots level, which affect people's lives directly, would rest upon the elected members of the people themselves by making regular elections to *Panchayati Raj* mandatory. These institutions have been given permanency as entities of self-government with a specific role in planning for economic development and social justice (Government of India (b), 2007:7). PRIs offer India's rural villagers a practical opportunity to participate in village planning processes, to engage with the various developmental schemes being implemented by the Government and to interact with their elected representatives directly to ensure that their interests are being effectively served and their money properly spent. While PRIs are an excellent initiative in theory, reality has been less positive, as many PRIs have been criticized for poor representation, failure to implement the participatory decisions of their constituencies and mismanagement of funds.

Improving the quality of rural life of citizens by providing them civic amenities has been the basic function of rural governance. It is ideally suited to provide services like water supply, health, sanitation etc, as it is closer to the people and in a better position to appreciate their concerns. The two key functions of the Panchayats at each level are defined in Article 243G of Indian Constitution as: "(i) the preparation of plans for economic development and social justice; (ii) the implementation of schemes for economic development and social justice". Yet, in most states, there is no planning by Panchayats and implementation has been reduced to a nexus between the contractor, the chairperson of the Panchayats, the bureaucrats and technocrats of the line departments. However, the performance of rural governance on this front has generally been unsatisfactory.

Panchayati Raj is the instrument of humanity for social betterment and it ensures holistic development of the local people. For this there is a need to do everything in a rightful way from planning to implementation as per the spirit of the 73rd Amendment. But the serious challenge like absence of ethics is faced by *Panchayati Raj* since long; which is generally relates to the problem

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of choice between right and wrong, good and bad, do's and do not's etc. It is very difficult to predict human behaviour exactly. Nobody can confidently say that two individuals would behave in the same way tomorrow as they do today, because man has been endowed with the freedom to decide, which other creations do not possess. That is why many philosophers and scholars have emphasized ethical development of human beings to ensure rational behaviour in the society.

Now days the concept of ethics occupied a centre space in the system of governance. It was an old idea mostly practiced in India as a part of social life. Every society must observe certain codes of conduct; otherwise such society cannot grow or progress. The same also applies to an organization, such as the PRIs in India. Ethics implies the idea of Trust. If our society is to function well, we need to be able to trust one another, and expect others to do their work well, obey the law, and try to make the world a better place. But such voices as cheating, stealing, promise-breaking and selfishness should be discouraged us and destroying trust among individuals in a society.

The essential foundation for ethics is accountability. Accountability is always debatable issue and the fact that accountability levels are so low in India, despite the country's strong democratic tradition. Indeed, democracy is intrinsically concerned with the accountability of political leaders and government officials to the public. Local democracy is also essential as a basis of public accountability, particularly in the context of the need for effective and equitable management of local public services. These services from schools and healthcare to fair price shops and drinking water are often crucial for the quality of life. Their effective functioning, however, depends a great deal on the responsiveness of the concerned authorities to popular demands (Dreaze and Sen 2008: 358-71). Public accountability, therefore, is linked to the each one in the public office, indeed the entire system of governance who exercises substantial powers. The powers exercised by the government are only justified if those who exercise them are answerable to them. But the fact is that, everybody is showing his fingers to others and eschewing himself from it. Same thing happened at the grass-roots level.

Meaning of Ethics

Ethics is a set of standards that society places on itself and which help guide behaviour, choices and actions (Government of India (a) 2007: 1). The issue is involving in ethical practices by public administrators. Some of these are waste; fraud and abuse; wiring of contracts and contracts of overruns; conflicts of interest; stealing and unauthorized use or abuse of government property; illegal use of government transportation system; padding expense accounts; selection of

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personnel; hiring; firing; job wiring and inflation of job performance appraisals; sexual harassment; and illegal use of government equipment, such as telephones for personal calls. Other moral issues include whistle-blowing, leaking government information, and spying, etc (Sheeran 2006: 148-149). In simple terms, ethics can be defined as making the “morally correct” decision in the given situation. Thus, ethics determines an expected mode of behaviour in society and organizations. It is a guidance system to be used in making decisions.

One may, therefore, ask what changes are needed in the attitudes and work practices of the public officials to:

- 1) serve citizens and be fair and friendly in that service;
- 2) be accountable for what they do to management, to the public in general; and
- 3) remain vigilant against corruption, and not allow a conflict of interest in their work?

These are ethical or moral questions, which must be addressed by the public servants in ensuring interest of peoples. Therefore, the spirit of *Panchayati Raj* lies in ethics and morality, and it demises with the erosion of values, moral deviation, aberration and corrupt behaviour and actions for the betterment of local community. Generally, ethics is often regarded as an abstract subject because of the use of certain terms like, obligation, conflict of interest, right, wrongs, responsibility, fairness, integrity, trusts etc. which cannot be measured or quantified. Ethic deals with moral obligation, act, attitude or behavior that is in tune with practices commonly admired, within a given society, organization or environment. Put differently, what constitutes ethics or code of conduct varies from one society or environment to another.

Ethical problems and Challenges in *Panchayati Raj*

In our society, people are reluctant to take responsibility for their actions. It is easier to find a scapegoat. This mind-set is blatant in all areas of government. It is much easier to blame anybody and everybody else when things go wrong than to assume personal responsibility for one’s own actions, policies and decisions. The key to ethical responsibility is not knowledge of laws, rules, regulations or court decisions, but a willingness to explore and assume personal responsibility for doing the right thing (Ibid : 148-151). We are now in the process of doing something for ethics that has long needed and that will add greatly to its utility once it has done. Slowly but surely we are demonstrating how ethics can be made instrumental, how it can be welded into the day-to-day decision-making and policy planning (Dimock 1958: 61).

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The role of officials and non-officials are very much important in *Panchayati Raj* as their administrative and public behaviour always reflects in its results. Wood observed ethical values in public life and suggests that, “While we wait for better men and better communities, we should try to catch the dishonest among us. While we work for the professionalization of the entire bureaucracy (administration), we should perfect at once critical staff units within our public agencies” (1955: 7). Policy makers in India have over the years, spending too much energies on how to reform, reorganize and reposition *Panchayati raj* system to achieve the much needed rural transformation, but all have failed to yield positive results as unethical practices culminating in large scale corruption, use of public office for private profit, and mismanagement of resources continue to be a constraint in the wheel of progress. Mani Shankar Aiyar, the former minister of *Panchayati raj* Affairs observed that “Corruption in the *Panchayats* at all levels has become rampant in most states. There has been tardy and inadequate implementation in many states of the directives of Finance commissions in respect of *Panchayats*. In elections to the *Panchayats*, there are widespread complaints of electoral malpractice, including the harassment of women candidates, and excessive expenditure, as well disturbing reports of the criminalization of the *Panchayati raj* system in parts of the country” (Aiyar 2002: 3296-97).

This indicate towards the fact that *Panchayati Raj* exhibit negative work ethics that manifest in lateness to work, neglect of duty, disobedience, dishonesty, disloyalty, indiscipline, absenteeism and no commitment towards the achievements of its objectives.

As observed by the deSouza (2009: 88), five problems in particular plagued the earlier experiments of *Panchayati raj*. These are: i) irregular elections and supersession, ii) insufficient devolution of powers, iii) bureaucratic resistance, iv) domination by rural elites, and v) unsatisfactory working of the *Gram Sabha*. The 73rd Amendment has tried to address these lacunae by reserving 50 percent seats (110th amendment to the constitution) for women and for Dalits and Adivasis in proportion to their population, by creating a State Election Commission and State Finance Commission, by keeping terms fixed by conducting regular elections, etc. But much still remains to be done. The rural elite seem to have an infinite capacity to manipulate the new system. Yet, as Singh (1997: 626-38) points out, since its independence the Indian polity has been heavily weighted against corruption from below, while granting relative immunity to corruption from above. Indeed, anti-corruption drives by the state can, perhaps ironically, be in opposition to social justice at the local level.

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There are some issues like unnecessary involvement of local leaders in the functioning of *Panchayati Raj*, mismanagement of the resources available to them and the inadequate funds constitute the barrier in rural development. The issue here is not just how much is available, but how the attitudes of local leader influence the effective management of the resources of funds and materials. Basically, this boils down to the synthesis that the problem of mismanagement is a function of intensified attitude of *Panchayati Raj* leaders, who relegate positive management practices to the background with a view of perpetuating systemic illegalities that guarantee personal enrichment, self elaboration and deliberate misappropriation of public funds. This situation is becoming worrying and this attracts suspicion, distrust, restiveness and lack of confidence from the local people, who are engaged in unabated demands for integrity, transparency, accountability in the management of their resources.

The major issue is the question of framing a consummate ethical procedure for PRIs which will be far reaching, comprehensive and capable of yielding positive result. The problem remains whether or not such ethical code will incorporate innovative approaches and combine measures such as accountability tools, conduct codes, monitoring mechanism and supportive structure. For ethics to be entrenched in *Panchayati Raj*, it requires leadership that will provide the integration and articulation of the values mentioned above. Again, strategies like implementation of audit queries, whistle-blowing system, definition of leadership responsibilities and appeal or mobilization of citizens to denounce unethical practices are often meaningless unless dependent on strong political will. It means that without the political will to articulate harmonious ideas, the quest for ethical code will be defeated, but if the political will is realized, it becomes useful in enhancing the development of the mechanism of ethical problem detection, anticipation and disharmony.

Enhancing High Ethical Conduct in *Panchayati Raj*

To foster ethics in administration we need for focused and collaborative efforts (Cooper 2004: 395-407). Therefore, *Panchayati Raj* should endeavor to conduct its activities with high standards, integrity, openness and accountability. Ethical framework showing code of conduct for PRIs should be encouraged by the state government. Educating the officials is the first step toward ethical development (Dwivedi and Mishra 2007:733-34). Similarly, state government should enact legislation to oblige *Panchayati Raj* members to observe ethics. Such code of conduct must be conditioned by the following:



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i) *Panchayati Raj* leadership must promote and support principles of ethics by setting examples for other members and officers to follow them.

ii) Chairmen and members of PRIs must always uphold the law and order at all times, and act within the trust placed on them.

iii) *Panchayati Raj* officials and non-officials must ensure that whenever there is conflict between public and private interests, only public interest should prevail.

iv) *Panchayati Raj* officials and non-officials put their conducts in a way that their integrity is not at any point questioned.

v) *Panchayati Raj* officials and non-officials as much as possible try to document all gifts, hospitality and a favour they received, but be close with discernment not to accept gifts meant to reasonably influence their sense of judgment.

vi) *Panchayati Raj* officials and non-officials ensure that in the course of carrying out public business, like awarding contracts and making appointments or recommending individuals or group for rewards and benefit for any schemes or programme always strive to make decisions on ground of equity and quality not on selfish and parochial considerations.

An ethical code based on a collectively worked out moral order cannot produce desired results unless it is implemented effectively. It is not possible to bring into force a code of ethics if it is self-serving and is subject to constant external interference and manipulation; a certain degree of autonomy is a pre-requisite for any code to be successful (Dhameja 2006 : 210). We are not going to improve either community or bureaucratic ethics overnight; nor are we. When all is done, the surest way out is the self- ethicization of the individual (Maheshwari 2007: 240). In order to enforce a work culture and ethical value system in the governmental organizations, it is must that the people ought to be aware to exercise their powers and rights in the right direction. So that the people are encouraged to give their feedback and proper follow up action is taken on where good performers are suitably rewarded and action is taken against the guilty officials (Mahajan and Mahajan 2003 :123). This will help in improving governance at grassroots and making meaningful democracy.

The Conference of Chief Minister in 2012 convened by the Prime Minister of India initiated drastic policy shift and, endorsed the Action Plan focused on: (i) accountable and citizen-friendly administration, (ii) Transparency and Right to Information, and (iii) Improving performance and integrity of civil service (Singh 2013 : 74). This move led to the new

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beginning and the spread of charter of ethical code. The Government ensures that Ministers do not use the *Panchayati Raj* for their party political ends. However, the *Panchayati Raj* with a long tradition is different and unique. Here elected representatives act as mentor's for the personnel of *Panchayati Raj*. The *Panchayati Raj* audit has increasingly been in the saddle of inspecting and assessing how the Panchayats committees, *gramsabha* and individual elected representatives follow the laid down goals and political intensions of the Panchayati raj. The audit (both financial and social) has a central role in searching insight into and controls of all the activities that *Panchayati Raj* is responsible for.

Conclusions: Suggestions to Instate Ethics in *Panchayati Raj*

Plato suggested that a strong sense of duty would help to prevent corruption. But he also noted that this would be “no easy task.” What is at issue is not just the general sense of dutifulness, but the particular attitude to rules and conformity, which has a direct bearing on corruption. In the reading of “established rules of behavior” importance and may be particularly attached to the conduct of people in positions of power and authority. This makes the behavior of senior civil servants especially important in installing norms of conduct (Sen 2008:276-77). For all round development, people must have confidence in the policies, capacity and validity of the *Panchayati Raj*. Basic elements which can harness and build this confidence must be formulated and institutionalized. In the same vein, *Panchayati Raj* is advocated to be a coalition of pillars that will comprise of local leaders, personnel, the contractors, financial managers, watchdog agencies, religious leaders, community associations, and the local media. There should be a forum for this and it could also lead to the development of an action plan for rural development. For improving ethics in the *Panchayati Raj*, the following suggestions are recommended:

- 1) In order to make the *Panchayati Raj* efficient in the delivery of rural and social services to the people, efforts should be made by the Government to ensure that salaries and allowances paid to *Panchayati Raj* staff is fixed at a level commensurate with the degree of efforts being put by these employees. As the main aim of any worker by taking up any employment opportunity is to satisfy his personal needs and that of his immediate family, the wage system should be adequate enough to cater for these needs.

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- 2) Delegation of authority which is an important mechanism for enhancing the ethics among the employees of *Panchayati Raj* and they should encourage this mechanism as it will help in tapping the professional knowledge, talents and skills of all employees that provide the sense of belonging.
- 3) *Panchayati Raj* should endeavour to adopt the democratic leadership style in the system, as it will help in encouraging efficient supervision, free flow of information, participative management etc. So, both the superiors and the subordinates with jointly channel all available resources together and achieve desired result.
- 4) Efforts should be made to ensure that the pensions and gratuities to retiring staff are paid as this will serve as a morale booster for those currently in *Panchayati Raj* service. There should be a way of rewarding the employees as this will help in motivating them. As well as the more and strict discipline should be encouraged in rural governance in order to make it more viable.
- 5) Special ethics counseling cells for guidance, clarification, confession, moderations, penitence and facilitation will certainly prove beneficial in promoting ethics. Protection of whistle-blowers and encouraging peer pressure for enforcement of moral conduct could also be included in the portfolio of this cell. It is significant to mention in this context that a code of ethics needs to be evolved for officials and non officials at this level and these should be rigorously implemented with the active assistance of the members of these professional groups (Arora and Saxena 2003 : 251).
- 6) The development of appropriate codes of conduct which apply to the chairmen, councilors, supervisors, administrative staff and the other workers of *Panchayati Raj*, so as to make them accountable to the society.
- 7) Civics and ethics should be reintroduced into the primary and secondary school curriculum at the appropriate levels as part of the awareness drive to reduce public tolerance of corruption. Such avenues as temples, churches, mosques, town meetings, clubs etc. to generate public awareness and build an ethics of transparency and accountability.
- 8) Majority of Indians see to government at all levels as an industry from which money can be made. A reasonable impact can be made if corruption can be tackled at the grassroots than the change at State and National levels will become compelling. Some examples (from Maharashtra, Kerala and other States) have shown that honest, transparent and effective management of villages is essential to optimize



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the living condition of rural people and to foster trust in the way in which they are governed (In Maharashtra, we can take the example of *Hiware Bazar* Gram Panchayat. *Hiware Bazar* (in Ahmednagar District) is India's model village, with the highest GDP in the Country. In Kerala, *Kudumbashree* project got momentum and became very successful). Therefore, it is important to address the question of corruption and to promote transparency and accountability, not just at the national, but also at the village levels. Corruption among councilors was also checked by the vigilance of journalists (Crook and Manor 1998: 63).

- 9) There is a compelling need for the media, as the fourth estate of the realm to strengthen investigative and monitoring capacity to foster greater professionalism and integrity in the conduct of affairs of *Panchayati Raj*.

The ultimate remedial measure lies in generating ethical values among in all those who are concerned with these institutions. Thus, Goel and Rajneesh suggested that “the PRIs must follow ethical and moral values to build the character of the people and work ethics” (2003: 406). In conclusion, we advocate a strict code of conduct to be introduced in Panchayati raj system. It is hoped that if the model code of conduct is put in place with regulatory and enforcement mechanism, it will go a long way to promote accountability, transparency, effective participation, and good relationship among *Panchayati Raj* functionaries and by extension reduce the dangers of conflicts and mistrust in it. Without ethics no reforms can possible. Ethics is the foundation and the only solution to all problems in *Panchayati Raj* system as well as in any organization of any country.

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