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Q3

(a) "A mere compliance with law is not enough, the public servant also have to have a well developed sensibility to ethical issues for effective discharge of duties" Do you agree? Explain with the help of two examples where (i) an act is ethically right, but not legally and (ii) an act is legally right, but not ethically. (10 Marks) (b) How do the virtues of trustworthiness and fortitude get manifested in public service? Explain with examples (10).

UPSC Civil Services Mains 2015 · GS IV · 12 marks · Probity in Governance

Probity in Governance: Concept of public service; Philosophical basis of governance and probity; Information sharing and transparency in government, Right to Information, Codes of Ethics, Codes of Conduct, Citizen's Charters, Work culture, Quality of service delivery, Utilization of public funds, challenges of corruption.

Core demand of the question

- (a) Agree or not that legal compliance is not enough for a public servant; give two examples: ethically right but not legal, and legally right but not ethical
- (b) How trustworthiness and fortitude show in public service, with examples

Revision summary

Legal compliance is a minimum; ethical sensibility is needed where the section is silent or a paper lie looks complete.

An act can be ethically right and legally incomplete, as in a narrowly recorded rescue in a disaster.

An act can be legally regular and ethically wrong, as in paying a technically perfect false muster.

Trustworthiness is being reliable in figures, promises and impartiality.

Fortitude is lasting courage to record a lawful no; together they make public service more than a Gazette.

Introduction

A statute can tell an officer what is punishable. It cannot by itself create a sense of the person at the counter. Part (a) tests that gap. Part (b) names two virtues that make the gap smaller.

Body**(a) Law is not enough; two mismatched acts**

- I agree. Law is a minimum map. Ethical sensibility is noticing harm, dignity and fairness where the section is silent or crude.
- A public servant who only asks "is it illegal?" will delay a dying patient for a missing photocopy, sell no bribe, and still fail the Constitution's spirit.

- Effective discharge of duties needs empathy, impartiality and courage, which no Gazette can fully write.
- **Example (i):** ethically right, not legally permitted in the strict sense. A forest officer lets a starving village take fallen dry wood that the letter of a ban still forbids, records the famine, and seeks a later regularisation. Or a doctor in a disaster uses ambulance-kit blood to save a life before the licensed bank can be reached. The ethic is rescue; the legal form is incomplete. Necessity is narrow and must be written down, not turned into a habit of lawlessness.
- A historical civic example is sheltering a person from a mob when a curfew order says nobody may move: the higher duty is life.
- **Example (ii):** legally right, not ethical. A contractor is paid on time because the papers are technically complete, while the officer knows the road was built with stolen earth and a false muster. The bill is lawful on the face; the act is ethically rotten.
- Evicting a slum on the exact date in a court order, at night, without shelter, is often legally covered and ethically cruel if alternatives were never tried.
- Tax avoidance through a clever but hollow company, where the statute has a hole, can be legal and still a breach of civic ethics.
- The two examples together show why Conduct Rules speak of conduct unbecoming, not only of listed crimes.

(b) Trustworthiness and fortitude in public service

- **Trustworthiness is the habit of being worth other people's reliance:** true figures, kept promises, no leak of a confidential file for a friend, no surprise betrayal of a colleague who followed your lawful order.
- It shows when a District Magistrate publishes a relief list that matches the camp, when a banker does not dip into a dormant account, and when a teacher does not sell marks.
- Citizens trust the State when the same rule hits a minister's relative and a stranger. That is trustworthiness as impartiality.
- **Fortitude is courage that lasts:** staying with a lawful no under threat of transfer, facing a riot without communal panic, and telling a superior that the note is false.
- It is not rudeness and not a hunger strike over a posting. It is steady nerve plus a recorded reason.
- Example: an officer who refuses to book a minority hamlet on a rumour, documents the facts, and accepts the transfer heat, shows fortitude.
- Example: a procurement officer who will not certify a fake machine, even when the file has already been "cleared" upstairs, shows both virtues: others can trust the stock register, and the officer had the spine to stop.
- The **Second Administrative Reforms Commission** treated such character as part of ethics in governance, not as optional heroism.

Flow diagram

Mere legal compliance -> Ethical gap
 Ethical sensibility -> Effective duty
 Trustworthiness -> Public can rely
 Fortitude -> Lawful no under pressure
 Public can rely -> Effective duty
 Lawful no under pressure -> Effective duty

Conclusion

I agree that law alone is a thin public servant. Ethical sensibility catches the famine wood and refuses the perfect false bill. Trustworthiness makes the public rely on the file. Fortitude keeps that file honest when fear arrives.

Facts & figures

Central Civil Services (Conduct) Rules, 1964

Require integrity and conduct becoming a government servant, which is wider than a list of IPC offences.

Second Administrative Reforms Commission, Ethics in Governance

Fourth Report that treated character, integrity and codes as part of governing, not as decoration.

Necessity as a narrow exception

Ethics and criminal law may excuse a rescue that breaks a form in an emergency; it is not a standing waiver of statute.

False muster and technically complete bills

A common legally dressed, ethically empty fraud in public works.

Article 14, Constitution of India

Equal treatment; trustworthiness in service is this article in daily form.

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