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Q8

Public servants are likely to confront the issues of "Conflict of Interest". What do you understand by the term "Conflict of Interest" and how does it manifest in the decision making by public servants? If faced with the conflict of interest situation how would you resolve it? Explain with the help of examples. (10 Marks).

UPSC Civil Services Mains 2015 · GS IV · 12 marks · Ethics in Public Administration

Public / Civil service values and Ethics in Public administration: Status and problems; ethical concerns and dilemmas in government and private institutions; laws, rules, regulations and conscience as sources of ethical guidance; accountability and ethical governance; strengthening of ethical and moral values in governance; ethical issues in international relations and funding; corporate governance.

Core demand of the question

- Explain **conflict of interest** in public servants' decisions, how it shows, and how you would resolve it, with examples

Revision summary

Conflict of interest is a situation where a private stake could reasonably bias a public decision, even before a bribe.

It appears as kin in a lease, a spouse's business, post-retirement bargains, political donors and identity bias.

Resolution is disclosure, **recusal**, published criteria, speaking orders and no contractor gifts.

Examples include stepping off a cousin's mining file and stopping referrals to a family lab.

Conduct Rules and the Prevention of Corruption Act, 1988 back the habit when it becomes a crime.

Introduction

A public chair is hired for other people's welfare. **Conflict of interest** begins when the officer's private stake can reasonably be seen to steer that chair.

Body**Meaning**

- **Conflict of interest** is a situation where official duty, public interest and personal interest pull against each other, and a fair observer would doubt the decision.
- It is not only a proved bribe. The bribe is the conflict after it has been sold. The conflict exists earlier, when a relative, a share, a future job or a caste loyalty sits on the same file.
- **Public servants hold fiduciary power:** licences, land, police, tax, contracts. The citizen cannot easily walk away to another State.

How it manifests in decision-making

- **Kin and clan:** a mining lease, a teacher posting, or a relief list that quietly favours a brother-in-law.
- **Pecuniary:** shares in a company that will win a tender the officer is judging; a spouse's diagnostic lab that receives all referrals.
- **Post-retirement promise:** a soft order today for a board seat tomorrow.
- **Political:** a ruling-party donor who needs a clearance this week.
- **Ideological or communal:** targeting one neighbourhood in a raid because of identity, not evidence.
- **Dual roles:** sitting on a trust that bids for a grant the same officer sanctions.
- Gift and hospitality culture that creates a debt before the file is opened.
- Each of these can look like a "technical" yes. The ethical failure is that the reason is private.

How I would resolve it

- **Declare:** written disclosure of property, relatives in the jurisdiction, and any link to a bidder, as Conduct Rules and Lokpal-related declarations expect.
- **Recuse:** leave the chair, record why, and send the file to the next competent authority. Do not "be fair in my heart" while still signing.
- **Reduce discretion:** published criteria, **e-procurement**, committees rather than a single signature where the risk is high.
- **Speak on the file:** a speaking order that a court can test.
- No private meetings with a bidder without a note. No festival gift from a contractor.
- If I discover a predecessor's conflict, I do not bury it to protect the service's name; I report on the file and seek a review.
- **Example 1:** I am to decide a sand-mining permit. My cousin is a silent partner. I disclose, recuse, and stay off the inspection team.
- **Example 2:** as a medical superintendent, I find referrals flowing to my spouse's scan centre. I ban that path, publish a panel, and request an inquiry into past bills.
- **Example 3:** a minister telephones about a college affiliation in which the minister's family has land. I put the call on the note, apply the same inspection checklist, and refuse a special sitting.
- The **Central Civil Services (Conduct) Rules, 1964**, All India Services (Conduct) Rules, 1968, and the **Prevention of Corruption Act, 1988** are the hard edge if the conflict becomes a crime.
- **Resolution is a habit, not a speech:** public interest first, duty as the lawful means, personal interest last and parked.

Flow diagram

Personal interest -> Conflict of interest

Official duty -> Conflict of interest

Conflict of interest -> Disclose

Conflict of interest -> Recuse

Conflict of interest -> Less discretion

Disclose -> Public interest leads

Recuse -> Public interest leads

Less discretion -> Public interest leads

Conclusion

Conflict of interest is a foreseeable private pull on a public file. It shows as kin, money, future jobs and quiet gifts. The fix is disclose, recuse, shrink discretion and write reasons - with examples from mining, medicine and political pressure.

Facts & figures

Conflict of interest

A set of circumstances in which a public decision-maker's private interest could improperly influence official action.

Central Civil Services (Conduct) Rules, 1964

Integrity, gifts, private trade and unbecoming conduct; the everyday legal frame for parking personal interest.

Prevention of Corruption Act, 1988

Criminalises abuse of office for private gain when the conflict is acted upon as a crime.

Recusal

Leaving a file because of a personal link, with reasons recorded, so another officer decides.

E-procurement

A system that reduces face-to-face sale of a tender, shrinking one common theatre of conflict.

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