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Q5

(a) Is conscience a more reliable guide when compared to laws, rules, and regulations in the context of ethical decision-making. Discuss (b) Probity is essential for an effective system of governance and socio-economic development. Discuss.

UPSC Civil Services Mains 2023 · GS IV · 10 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

- (a) Discuss whether conscience is more reliable than laws, rules and regulations in ethical decision-making
- (b) Discuss why probity is essential for governance and socio-economic development

Revision summary

Conscience is inner judgement; laws are shared public standards.

Conscience can see unnamed harm and can resist an unjust law; it is also partisan and unequal across persons.

A civil servant's default is lawful rules plus written dissent, not a private veto.

Ethical decisions need both a legal file and an inner test against cruelty.

Probity is upright use of office; without it, governance becomes a favour market and development leaks.

Trust, investment and the poor's access to services all depend on that uprightness.

Introduction

Part (a) sets inner conviction against written rules. Part (b) asks why a clean and honest use of office is not a luxury if a society wants growth that people can trust.

Body**(a) Conscience versus laws, rules and regulations**

- Conscience is the inner judgement that an act is right or wrong, formed by upbringing, faith, reason and experience.
- Laws, rules and regulations are public standards that bind many people at once and can be reviewed by a court or a legislature.
- Conscience is often faster and can see a harm that a rule has not yet named, such as humiliation that no clause mentions.

- **Conscience is also uneven:** two officers can have opposite consciences on cow slaughter, conversion, or a strike, so a republic cannot run on private conviction alone.
- Laws can be unjust, as colonial statutes and some emergency excesses were. In those cases conscience, **constitutional morality** and later judicial review are needed to resist.
- For a sitting civil servant the default is lawful obedience plus recorded dissent. The **Central Civil Services (Conduct) Rules, 1964** and the **oath of office** do not permit a private veto of a valid order.
- Civil disobedience is a citizen's last resort after public reason, as **Gandhi** practised it; it is not a daily tool for an officer who holds coercive power.
- **The reliable sequence is:** follow the Constitution and lawful rules; use conscience to refuse an illegal or manifestly cruel oral order; put the refusal in writing; seek a competent authority; do not become a vigilante.
- Neither conscience nor rules are "more reliable" in every case. Rules are more reliable as a shared floor. Conscience is more reliable as an inner brake when the rule is silent or the rule is being used to crush a person.
- **Ethical decision-making therefore uses both:** the file must be legal, and the officer must still be able to look at the weakest person affected.

(b) Probity, governance and socio-economic development

- **Probity is uprightness in office:** honesty, impartiality, and the refusal to mix public power with private gain.
- Governance is the way public authority makes and implements decisions. Without probity that way becomes a market for favours.
- Socio-economic development needs roads, schools, credit and health that actually exist, not only budget lines. Leakage from a dishonest procurement is a development failure, not only a moral one.
- Investors and citizens price trust. A State known for clean tenders and predictable tax draws capital; a State known for speed money draws only those who can pay.
- The **Second Administrative Reforms Commission's** report on Ethics in Governance treated integrity systems as part of capacity, not as decoration.
- Probity also protects the poor, because the poor cannot buy a queue. A corrupt ration shop or a bribe for a bed is a direct tax on those least able to pay.
- Transparency tools - the **Right to Information Act, 2005**, social audit, e-procurement - make probity visible. They do not replace the officer who still has to refuse the envelope.
- Development without probity produces ghost schools, unsafe buildings and debt that the next generation pays. That is why probity is essential, not optional, for both governance quality and real growth.

Flow diagram

Conscience -> Inner brake
 Laws and rules -> Public floor
 Inner brake -> Ethical decision
 Public floor -> Ethical decision
 Probity -> Clean governance
 Clean governance -> Real development

Conclusion

Conscience is a necessary inner brake and a dangerous sole ruler. Laws are a necessary public floor and can still be unjust. Ethical office uses both, with the Constitution first. Probity is the honesty that makes governance believable and development real rather than stolen.

Facts & figures

Central Civil Services (Conduct) Rules, 1964

Bind government servants on integrity, political activity, gifts and conduct; they do not authorise refusal of a valid written order on private conscience alone.

Second Administrative Reforms Commission, Ethics in Governance

The Fourth Report argued for codes, values, and institutional integrity as part of administrative reform.

Right to Information Act, 2005

A statutory right to information that supports probity by making withholding harder.

Constitutional morality

Ambedkar's insistence that constitutional forms and rights, not only popular feeling, must guide public power.

Oath of office

Ministers and many public servants swear to bear true faith and allegiance to the Constitution, which ranks the document above a private creed.

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