

provides for ensuring accountability and integrity of the Civil Servants, there are arguments that the entire process of awarding the penalties is rather tedious and time-consuming. Such procedural issues can be addressed by laying down the timelines for each stage of the process and more importantly by monitoring that the timelines so prescribed have been adhered to.

International Exposure

The General Assembly adopted the United Nations Convention against Corruption in 2003. Article 8 of the Resolution refers to "Codes of Conduct for public officials". The Committee on Standards in Public Life in the United Kingdom, popularly known as the Nolan Committee outlined the seven principles of public life. Code of Good Governance of Spain envisages that the Members of the Government and the senior officers of the General State Administration shall carry out their activities in accordance with the Constitution and the rest of the legal system, following the prescribed principles.

A careful reading of the CCS Code of Conduct (1964), as amended from time to time clearly brings out that most of the principles enunciated in the UN declaration or the Committee on Standards in Public Life in the United Kingdom or Code of Good Governance of Spain are explicitly or implicitly enshrined therein. However, it also needs to be emphasized that the norms of 'right conduct' cannot be enforced through rigid enforcement of laws and rules alone. Changes in attitudes are the key.

Framework

Probity in governance is absolutely essential for an efficient and effective system of governance. Ethics and probity cannot be seen in isolation. Both are intertwined and have to be seen as complementary to each other. The Consultation Paper on 'Probity in Governance' issued in 2001 by the National Commission to Review the Working of the Constitution highlighted many legislative and institutional issues including:

1. need for enforcing section 5 of the Benami Transactions (Prohibition) Act,
2. the necessity for a law providing for the confiscation of illegally acquired assets of public servants,
3. enactment of a Public Interest Disclosure Act,
4. enactment of a Freedom of Information Act,
5. the necessity for enacting a Lok Pal Bill in addition to the Central Vigilance Commission Act and
6. strengthening of the Criminal Judicial System.

Good governance rests on trust and confidence. Probity in governance is expected to ensure accountability, transparency, and integrity in public life. In India, we have an extensive legislative and institutional framework to address the issues relating to probity as detailed below:

| Institutional and Legal Framework | |
|-----------------------------------|--|
| Institutions | Laws |
| 1. CVC | 1. Benami Transactions Prohibition Act |
| 2. CBI | 2. Prevention of Corruption Act |
| 3. CAG | 3. Right to Information Act |
| 4. Lokpal & Lokayukta | 4. IPC & Cr. PC |

The framework above is quite comprehensive, though we do not have a Code of Ethics for the Government functionaries and legislations like Whistle Blowers Protection Act etc as they exist in other countries. We as a society would certainly aspire to become a corruption-free society. Even with the present robust framework, there are certain black sheep in the system who misuse the powers for their own good. Apart from the existing framework accountability and transparency can be enhanced by

- (a) Minimizing the discretions in various functions
- (b) More extensive use of Information technology in all fields of governance
- (c) Making Citizens' charter more elaborate with clear timelines for delivery of services and related activities as well as identifying the officer responsible for that delivery; further a monthly report on compliance to Citizens' charter can be placed on the website of the organization.

We do have success stories in each of the categories. Recent instructions of the Government of doing away with Interviews in certain entry-grade positions have tremendously enhanced transparency in the selection process. Examples of the use of Information Technology by Railways for booking of passenger tickets and by municipal bodies for issuing birth and death certificates and payment of property tax are very well known.

Conclusion

The Government functionaries are part of the society and to that extent are influenced by societal norms. At the same time being part of the governance structure, they have to be more responsible and seen to be above board all the time. There is a strong legal and institutional framework for ensuring probity. It needs to be strengthened and made more effective by nudging people to follow the laws of the land and making punishments for the delinquents very severe.

"We must make the world honest before we can honestly say to our children that honesty is the best policy" – George Bernard Shaw

References

1. Second Administrative Reforms Commission, Fourth Report "Ethics in Governance".
2. Consultation paper on Probity in governance by the National Commission to review the working of the constitution.
3. CCS CCA Rules
4. CCS Conduct Rules 1964.
5. <http://www.oecd.org/dataoecd/17/35>