

NEXT IAS

**ETHICS, INTEGRITY
AND APTITUDE**

**CIVIL SERVICES
EXAMINATION 2027**

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Contact: 011-45124660, 8860378007
E-mail: infomep@madeeasy.in
Visit us at: www.madeeasypublications.org

Ethics, Integrity and Aptitude

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PUBLIC/CIVIL SERVICE VALUES AND ETHICS IN PUBLIC ADMINISTRATION

7.1 Introduction to Ethics in Public Administration

7.1.1 Public Administration

“Public administration is the detailed and systematic application of law. Every particular application of law is an act of administration”.

—Woodrow Wilson

Encyclopedia Britannica defines public administration as ‘the application of a policy of a state through its government.’ Public Administration, therefore, refers to that part of administration, which pertains to the administrative activities of the government.

7.1.2 Need for Ethics in Public Administration

The quality of the public services and the role of the public administration in their implementation have a direct bearing on the life of the citizens; confidence of the citizens in the government and the public service delivery system.

Adhering to a code of ethics ensures that the public receives what it needs in a fair manner. Ethics in public administration is crucial to ensure proper usage of public money. It also gives the administration guidelines for integrity in their operations. That integrity, in turn, helps foster the trust of the community. By creating this atmosphere of trust, the administration helps the public understand that they are working with their best interests in mind.

Additionally, A code of ethics creates standards of professionalism that co-workers in the public sector can expect from each other — the public can also expect the same from the administrators. With a strong code of ethics in public administration, leaders have the guidelines they need to carry out their tasks and inspire their employees and committees to enforce laws in a professional and equitable manner.

An administrative machinery that has good public ethics builds trust, minimizing the potential issues that can arise.

7.1.3 Determinants of Ethics in Public Administration

The major determinants of administrative conduct in the public sector include:

1. The political construct of which public administrators are a part.
2. The legal framework.
3. The administrators and public employees who are responsible for the provision of public services.
4. The citizens and users of public services that are a part of the civil society.



Determinants of Ethics in Public Administration

The determinants of ethics in public administration with regard to the individual attributes of public/civil servants include ethical decision-making skills, mental attitude, virtues, and professional values.

Secondly, the organizational structure dimension is explained by clear accountability, collaborative arrangements, dissent channels, and participation procedures.

Third, the political organizational culture includes artefacts, beliefs and values, and assumptions. Leadership is important in the development, maintenance, and adaptation of organizational culture.

Ethical behavior is encouraged when organizations have a climate where personal standards and employee education are emphasized, where supervisors stress the truth, and where employees regularly come together to discuss ethical problems.

Finally, Societal expectation includes public participation, laws, and policies.

7.1.4 Status of Ethics in Public Administration

There is an erosion of ethical standards in public administration. This is evident by the failure of implementation of basic welfare schemes on ground. In 2014 the government had to spend more than 3 rupees so that 1 rupee reaches to the actual beneficiary.

There are certain intrinsic features of the administrative system that make it difficult for the internal regulating institutions to control it and also ensure its accountability. A few of these imponderables are discussed below:

A. Special Expertise and Information

They generate and control crucial information that may be difficult to be accessed or even comprehended by law regulators, much less by the common citizens. Although

the Right to Information Act (or similar legislations) is there in most countries, there is cost to be paid for obtaining information and verifying its authenticity. The administrators do not easily part with such information and are too keen to let their citadels remain impregnable.

B. Full-Time Status

Most public administrators are full-time, while outsiders cannot devote equal amount of time in overseeing their activities – Legislators, Judiciary, Comptroller and Auditor General of India and even the Media have relatively less time to keep a watch over the actions of administrators. They cannot seek all the crucial information from administrators and even if they get it, they do not have sufficient time to process and use it effectively.

C. Massive Expansion of Bureaucracy

In a country such as India, the role of public administration has been increasing incessantly. Its regulatory, developmental, promotional and entrepreneurial responsibilities have been multiplying and with that also its size. The number of public personnel as well as the agencies they work for have gone up so much that it is difficult for the political executive or the legislature to exercise effective control over them.

D. Lack of Coordination

The number and kinds of agencies to ensure probity in public administration have also been increasing continually. In India, for instance the Central Bureau of Investigation, the Central Vigilance Commission, State Lok Ayuktas, State Vigilance Bodies and Anti-Corruption Departments are co-existing without effective coordination among them. There are lacunae in the working of the vigilance machinery and absence of harmony among the variegated anti-corruption agencies.

E. Excessive Security

Most countries grant protection to civil servants and refrain from punishing them for the common lapses in the performance of their duties. Besides, there are no punishments prescribed for non-performance or for low productivity. **Article 311** of the Indian Constitution makes it almost impossible to remove a civil servant.

A sense of over-security pervades the personnel system and the inquiry system is so dilatory and cumbersome that it is devoid of any threat or fear. Resultantly, a low level of discipline in most government organizations is witnessed. When corruption permeates all the echelons of administrators in the organizations, the potential efficacy of internal control becomes woefully meager.

7.2 Ethical Concerns and Dilemma

7.2.1 Conditions for Ethical Dilemma

There are three conditions that must be present for a situation to be considered an ethical dilemma.

The first condition occurs in situations when an individual, called the “agent,” must make a decision about which course of action is best. Situations that are uncomfortable but that

don’t require a choice, are not ethical dilemmas. For example, students in their internships are required to be under the supervision of an appropriately credentialed social work field instructor. Therefore, because there is no choice in the matter, there is no ethical violation or breach of confidentiality when a student discusses a case with the supervisor.

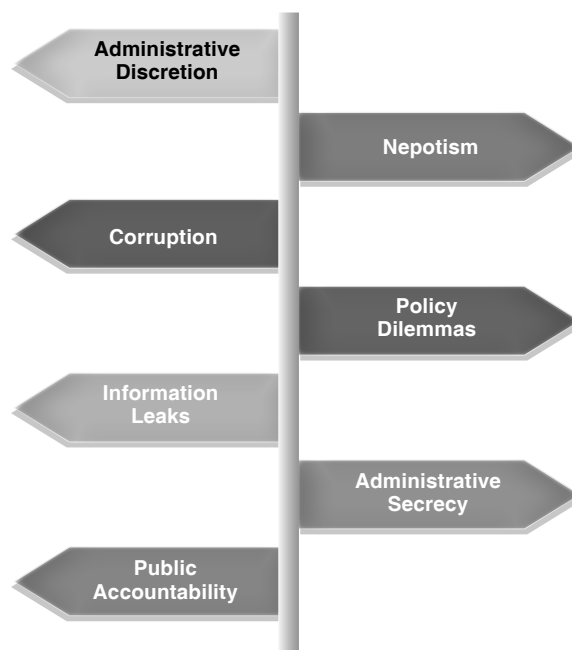
The second condition for ethical dilemma is that there must be different courses of action to choose from.

The Third condition in an ethical dilemma, no matter what course of action is taken, some ethical principle is compromised. In other words, there is no perfect solution. e.g. Tony, a data analyst for a major casino, is working after normal business hours to finish an important project. He realizes that he is missing data that had been sent to his coworker Robert. Tony had inadvertently observed Robert typing his password several days ago and decides to log into Robert’s computer and resend the data to himself. Upon doing so, Tony sees an open email regarding gambling bets Robert placed over the last several days with a local sports book. All employees of the casino are forbidden to engage in gambling activities to avoid any hint of conflict of interest.

Tony knows he should report this but would have to admit to violating the company’s information technology regulations by logging into Robert’s computer. If he warns Robert to stop his betting, he would also have to reveal the source of his information. What can Tony do in this situation?

7.2.2 Ethical Dilemmas Faced by Public Servants

Some of the most common ethical dilemmas with which public servants are confronted, revolve around aspects such as:



Administrative Discretion

Public officials are not merely executors of public policy. They make decisions pertaining to the lives of people, for example, about taxes, survival and the dismissal of people. In doing so

they exercise discretion. The question is then how decisions are to be made to avoid ethical dilemmas.

In other words, the promotion of general welfare depends to a large extent on the use or abuse of administrative discretion.

It is true that within the rules and regulations laid down by legislation and within the prescribed procedures, there is ample opportunity for the public official to use his discretion. When faced with alternatives the choice of the public official poses an ethical problem the choice may be acceptable to only a small section of society. The problem is that the selection of one path of action from among several alternatives is often made on the basis of personal preference, political or other affiliations, or even personal aggrandizement, thereby disregarding known facts and thus the possibility of rational decision making.

It could be that all the prescribed rules, regulations and procedures are adhered to but that the discretionary choice may be viewed as unethical or even corrupt.

Corruption

The majority of officials uphold the high standards required by public office and are devoted to promoting the general welfare. The ethical standards of public officials are, however, directly related to society as a whole. If the public accepts that in order to secure an expeditious response from a public official some pecuniary or other incentive is necessary, and the official accepts the incentive, then the standards of ethical conduct of officials and the public are in fact in harmony from the point of view of the public.

The corruption of public officials by private interests is usually very subtle, for example, favors by the public to the official under obligation and he gradually substitutes his public loyalties to those doing him favors. The ethical dilemma that faces the public servant with regard to corrupt practices as result of private interests primarily concerns his reaction to the situation. If a corrupt practice or an attempt to corruption is discovered, it is quite possible that the official's personal loyalties or party political affiliations may be in conflict with his official duties. Should he sacrifice the public interest or try to end the corrupt practice by direct personal confrontation, or should he blow the whistle on the practitioner of corrupt practice?

Administrative Secrecy

An area which lends itself to the creation of situations and actions which could prove to become major ethical dilemmas is the secret conduct of public business. This is especially so because secrecy can provide an opportunity to cover up unethical conduct. Secrecy is an ally of corruption and corruption is always practiced in secrecy. It is generally accepted that in a democracy the people have a right to know what the government intends to do and it would be in the interest of the public for the administration of public affairs to be conducted openly.

Nepotism

The practice of nepotism (the appointment of relatives and/or friends to public positions, thereby ignoring the merit

principle), may lead to the downgrading the quality of the public service. This disrupts the *esprit de corps* and trust and resulting in corrupt administration, owing to the ability of a selected few to impair control measures on account of their personal relationship with the policy-maker, and by reason of their not being easily dismissed or replaced by others. In other words, those who are appointed with the view that they will conform to the standards and views of their appointing authority could prove to be problematic. The preferential treatment of one individual over another, without taking into account the relative merit of the respective individuals, represents nothing but victimization of an individual or individuals.

Information Leaks

Official information is often of such a sensitive nature (for example, pending tax increases, rezoning land, retrenchment of staff) that disclosure of the information can lead to chaos, corrupt practices or, for some individuals, improper monetary gains. Leaking official information at a date prior to the public announcement thereof is a violation of procedural prescriptions and can be an ethical dilemma.

Public Accountability

Since public officials are the implementers of public policies, they ought to be accountable for their official actions to their superiors, the courts and the public. It is nevertheless, possible for them to hide behind prescribed procedures, the cloak of professionalism and even political office-bearers.

Policy Dilemmas

Policy makers are often confronted by conflicting responsibilities. They have specific loyalties to their superiors, but also to society. They have freedom to act on behalf and in the interest of others, but they must also answer to others - their superiors and society - for their actions. The official's obligation to respect the political process may conflict with his view on how the objects of policy making are treated. In other words, the dilemma of the public official is the clash between his view of the public interest and the requirements of the law.

7.2.3 Ethical Concerns and Dilemma in the Private Sector

Greater and more Aggressive Competition: Companies face unprecedented aggressiveness from their competitors and the willingness of some to run stripped-down businesses, sometimes by cutting R&D, quality assurance, customer service and investment in the health of their communities.

With the coming of information technologies, it is easier to create new companies and to disintermediate older ones, which can then become suddenly obsolete. Arguably, there is much less time and flexibility to "do the right thing."

Discipline of Quarterly Earnings: Providers of capital seek higher returns and shorter-term payoffs. The era of "patient capital," if it ever existed, is gone. Investors today have little tolerance for company policies of engagement with and contributions to the community and other non-shareholder stakeholders.

The reality of the “miss one quarter’s projections and your stock is hammered” phenomenon leads to an excessive focus on short-term profitability and neglect, if not resistance, toward anything that does not produce short-term benefit.

Temptations of Executive Salaries: The breathtaking rise of salaries for the top executives of largest corporations has changed the motivations and orientation of those who occupy executive offices. CEOs of even medium-sized companies expect hit-the-jackpot, win-the-lottery riches if they get a top corporate job. And they expect to receive the millions even if they fail to produce for the company.

Globalization of Business: There is no question that global business operations are more complex and present more ethical dilemmas than operations limited to India. Expansion in China, Mexico or Africa requires confronting dilemmas that are not generally faced in purely domestic operations, including bribery, kickbacks and environmental damage.

Moving manufacturing overseas provides opportunities for companies to lower production costs by operating in countries in which environmental standards and labor requirements are lax. And some foreign competitors can now underbid you by exploiting those opportunities more effectively than you.

7.2.4 Ethical Issues Related to Employer-Employee Relationship

The employer-employee relationship should not be looked at simply in economic terms. It is a significant human relationship of mutual dependency that has great impact on the people involved. A person’s job, like a person’s business, are highly valued possessions that pervasively affect the lives of the employees and their families. With stakeholders everywhere, the relationship is laden with moral responsibilities. Some ethical issues may come up eventually.

1. Employers can create complex problems when they monitor employees. Should employers be able to monitor their employees? If so, what should they be restricted to monitoring, and do the employees have the right to know that employers are monitoring them.
2. Layoffs, plant closings, and other dramatic events of this nature have psychological and financial impact on the entire workforce and on the reputation of the company. Thus, they should be handled with extraordinary caring and sensitivity in terms of how and when the announcement is made and implemented and what provisions are being made to assist employees who are losing their jobs.
3. Employees are entitled to be treated fairly and with respect, and it is the company’s obligation to see that individual managers do not abuse their power or mistreat their subordinates.
4. If an employer were secretly looking for a replacement for an employee by conducting interviews behind the employee’s back, most employees would consider that an act of betrayal.
5. When an employer decides to let an employee go, it is generally thought that the employer should give the

employee ample notice or severance pay. But what of the ethics of the employee who walks into the boss’ office and says, “I have an opportunity I can’t turn down and they need me to start this Friday”? Because of the disparity in power, many employees adopt a double standard that gives them more leeway than they afford the employer.

6. People of character take into account their moral obligations to their employer before they interview for another job. If they know that their departure will jeopardize the organization, co-workers, or customers they should make it clear at the job interview that they are not available until they have provided a reasonable transition.

7.3 Sources of Ethical Guidance

7.3.1 Laws as a Source of Ethics

The term law is defined as a rule that has been legally made to apply to everyone in a country. In a democratic system, a law is phrase that has been passed by a legislature.

Based on society’s beliefs, laws are created and enforced by executive to mediate in our relationships with each other. Laws are made by governments in order to protect its inhabitants. The judiciary, legislature, and public officials are the three main bodies in a government that are assigned to the task of the creation of laws. A law is enforceable by the judicial system, i.e. those responsible for breaking them can be prosecuted in court.

Example

1. **By Creating an Artificial Sense of Right and Wrong:** E.g. The Wildlife Protection Act 1972 makes certain animals out of hunting order. Also killing of certain animals like Black Buck may lead to punishment.
2. **By Prescribing a Code of Dignity:** E.g. The Prevention of Atrocities Act 1991 is a step to provide dignity to the Scheduled Castes and Scheduled Tribes.
3. **By Ensuring Equivalent Justice:** E.g. Triple Talaq Bill — the Muslim Women (Protection of Rights on Marriage) Bill, 2017 and the PCPNDT Act.
4. In some countries laws reflect the ideals and beliefs of people. E.g. in some countries LGBTQ community has been provided legal protection and are allowed to involve in same sex marriage.
5. Laws also provide us with a sense of conservation towards environment, popularly known as environmental ethics e.g. Environmental Protection Act 1986.

7.3.2 Relationship between Law and Ethics

Ethics is a set of standards, or a code, or value system, worked out from human reason and experience, by which free human actions are determined as ultimately right or wrong, good or evil. If acting agrees with these standards, it is ethical, otherwise unethical.

Law is a code of conduct which the authority in power prescribes for society. It basically differs from ethics in its option to use force if and when necessary and by the fact that it is backed by power.

1. Laws are, by and large, fair and moral. But it is not easy to accept that laws can be the foundations of ethics, or even that laws can ensure ethical behavior. There are many situations in life, where just following the law does not make one ethical.

For example, if a wealthy man intends to splash thousands of bottles champagne on his anniversary while his neighbor has no money to buy food and is being ejected from his home, there is no law to prohibit the wealthy man from doing so.

If he decides not to, it is because of the dictates of his conscience, not because of the dictates of the law. His conscience, ethical value system and principles forbid him to rejoice when someone else nearby is in sorrow. The law has no role to play in such a situation.

2. Moreover, not all laws have moral choice. There are many laws which do not involve any ethicality questions - for example, we are required to walk on the left hand side of the road. This is done to ensure traffic control and the traffic discipline, but a question of ethics is not involved here.
3. Again, all moral and ethical actions do not involve the law. For example, it is ethical to love and respect your parents, but there is no law for it, except when they are deliberately mistreated by their children.
4. Law represents the minimum standards of behavior expected from people. Merely following the law, does not make one ethical.
5. Another aspect of the legal system is that it prohibits use of certain actions. It also spells out the negative consequences of our not following the law - that is legal punishment. However, ethical behavior encourages us to do certain things and explains the benefits. For example, the law tells us not to steal, not to kill, but ethics tells us to do good, speak the truth, help others in distress. Thus there is a positive aspect inherent in ethical behavior, whereas the law is more concerned about negative behavior.
6. Yet another aspect of the law is that ethics precedes the action, the law follows it. Ethics tells us what we should strive to develop in ourselves (high moral standards), on the other hand, law tends to be more concerned with the consequences of the negative action - what punishment would follow, who is guilty and how shall justice be done.
7. Moreover, the law is a universally accepted, published document, whereas ethics do not yet have a universally accepted, consistent and published concept - it is abstract, culture specific and left to the individual for interpretation and action.
8. Some Laws have nothing to do with morality because they do not involve serious matters. These include parking laws, dress codes and other laws covering similar matters. Our moral standards are sometimes incorporated into the law, when enough of us feel that a moral standard should be enforced by the pressures of a legal system. In contrast, laws are sometimes criticized

and eliminated when it becomes clear that they blatantly violate our moral standards. Morality, therefore, has shaped and influenced many of the laws we have.

Most ethicists agree that all citizens have a moral obligation to obey the law so long as the law does not require clearly unjust behavior. This means that, in most cases, it is immoral to break the law.

Tragically, the obligation to obey the law can create terrible conflicts when the law requires something that the individual person believes is immoral. In such cases, a person will be faced with a conflict between the obligation to obey the law and the obligation to obey his or her conscience.

An action can be illegal, but morally right. For e.g. A public officer, who is under the oath of secrecy, revealing certain sensitive information and documents which would serve the greater good of society to journalists.

An action that is legal can be morally wrong. For example, it may have been perfectly legal for the chairman of a profitable company to lay off 125 workers and use three-quarters of the money saved to boost his pay and that of the company's other top managers, but the morality of his doing so is open to debate.

7.3.3 Conscience as a Source of Ethics

Conscience is that consciousness which help us in times of moral dilemmas. Conscience is inner voice, the voice that is not bound by logics, facts, and arguments. Swami Vivekananda said "In a conflict between the heart and the brain, follow your heart", hence conscience is the voice of heart and it is often right which helps us to sail through ocean of dilemmas and help us to find the direction.

A civil servant is a public authority. He is the point of contact between the government and the common people. He has to take thousands of decision which are not bound by a common code of conduct instead based on his experience and rationality. However, it is bound to happen that at one point of time, he may be in the middle of crisis and engulfed by the dilemmas regarding some decisions which has to be taken. Conscience here comes into play. He can listen to his inner voice which always inherently is right and based on this and with some probity and his integrity, he can take better decision and take himself out of moral dilemmas. For example, he can use his conscience for better implementation of the policies and modifying them according to area specific and the purpose it serves for the maximum benefits for the people.

Therefore, conscience is an inner being in the form of a true friend which never let a civil servant go wrong in the ethical and moral perspective.

7.3.4 When Laws and Rules are in Conflict with Conscience

The most salient and most commonly discussed example in this context is that of abortion, and with regard to that procedure, the law is relatively clear; Providers who are morally opposed to abortions or sterilization may legally refuse to participate in those procedures. Similarly, in states

that allow physician-assisted suicide, physicians who have moral objections to the practice are not legally obligated to engage in it simply because a patient requests it. In these cases, the law protects the provider's right of conscience.

The unjust "laws" are one of the worst cancers that can affect any society. They establish "rights" that are wrongs, and so foster a state of tension and discord - not of harmony - between people. To the extent that a country is plagued with unjust "laws", its legal system and its lawyers lose the natural good standing and prestige they should have before the citizens. In such a situation people quickly sense that laws are not serving higher values - justice, truth, the common good, but are simply manipulated measures at the service of particular interests. In such cases people adjust their conscience above law.

E.g. Your relative is bleeding profusely and need an urgent medical aid and he is with you in the car (not the ambulance). You are taking him to the hospital. Will you spend a minute or two at the traffic signal? Because the laws say so? No: your natural instinct would be to bunk and reach hospital as soon as possible lest your relative or any person injured as a matter of fact loses his/her life.

7.4 Accountability and Ethical Governance

7.4.1 Introduction to Accountability

The notion of accountability is an amorphous concept that is difficult to define in precise terms. However, broadly speaking, accountability exists when there is a relationship where an individual or body, and the performance of tasks or functions by that individual or body, are subject to another's oversight, direction or request that they provide information or justification for their actions.

Therefore, the concept of accountability involves two distinct stages - answerability and enforcement.

Answerability refers to the obligation of the government, its agencies and public officials to provide information about their decisions and actions and to justify them to the public and those institutions of accountability tasked with providing oversight.

Enforcement suggests that the public or the institution responsible for accountability can sanction the offending party or remedy the contravening behavior. As such, different institutions of accountability might be responsible for either or both of these stages.

7.4.2 Importance of Accountability to Governance

Evaluating the ongoing effectiveness of public officials or public bodies ensures that they are performing to their full potential, providing value for money in the provision of public services, instilling confidence in the government and being responsive to the community they are meant to be serving.

The accountability mechanisms in any country are broadly categorized as those that are located within the State and those outside. Accountability of the executive arm of

government to Parliament and to the citizens of the country is of course the fundamental feature of a democracy. The final expression of accountability in a democracy is through the medium of periodic elections which is an instrument for punishing and rewarding the Government of the day, and therefore, serves as an ultimate instrument of accountability. An independent judiciary embodies the constitutional doctrine of separation of powers and is another important element in the system of checks and balances that exists in any democratic country.

In India, constitutional and statutory bodies such as the office of the Comptroller & Auditor General, the Election Commission, and the Central Vigilance Commission (CVC) are examples of other oversight mechanisms that are autonomous but lie within the framework of the State.

7.4.3 Types of Accountability

A. Political Accountability

Political accountability refers to the responsibility or obligation of government officials to act in the best interests of society or face consequences. Public officials should be held responsible for their actions.

Political accountability usually manifests itself in the concept of individual ministerial responsibility, which is the cornerstone of the notion of responsible government as mentioned under Article 74 of Indian Constitution.

Political accountability takes place in a double dimension – Vertical and Horizontal. In its *vertical dimension*, political accountability is a relationship that links those in the high positions of the administrative structure; that is to say, those officials who are appointed and removed freely, according to only political reasons. This includes the Prime Minister or President of the Government, Ministers, and top positions of the public administration.

In its *horizontal dimension*, political accountability is a relationship that links the Government with the Parliament –sometimes as a colleague, sometimes its members in individual terms. But it may also include some of the positions at the top of the administrative hierarchical ladder.

However, Citizens are the prime agent in ensuring political accountability.

In terms of political accountability, each citizen has the same rights and obligations, i.e. To be informed about prospective actions, to hear the justification for them and to make a judgment about how they were performed.

What makes their role increasingly complex is that they have had to rely more and more upon specialized representatives, i.e. on agents who in turn act as principles when it comes to ensuring accountability of elected or appointed rulers. If this were not complex enough, these very same representative agents /principals may be being ruling agents in the past and probably aspire to be so in the future! Meanwhile, citizens who started out as principals in this arrangement subsequently become agents themselves when they are obliged to conform to decisions they may have opposed or not even known about.

To ensure better political accountability representative organizations can also have their own elections, e.g. Primaries in parties and leadership contests in associations, and their results can be utilized by members to improve the intra party democracy. Also bringing all political parties under RTI Act can boost their accountability. Also making donations more transparent can be a useful step.

B. Administrative Accountability

Administrative accountability, like political accountability, takes place in a double dimension vertical and horizontal. In its *vertical dimension*, administrative accountability is a relationship that links inferior administrative positions with superior political or administrative ones.

In its *horizontal dimension*, administrative accountability links the individual administrator and the public administration as a whole (a) with the citizen, as a concrete subject or user of the service, but also (b) with other external organs of supervision and control established to this purpose, such as oversight bodies, audits, comptrollers, “ombudsmen”, etc.

The main characteristics of the classic conception of the administrative accountability are:

- Full subjection of public officials and administrative units to a wide set of constitutional, legal, and administrative rules and procedures that govern tightly their performance;
- Full subjection of public officials and administrative units to instructions and commands issued by officials and bodies superior in the hierarchical ladder;
- Realization of accountability, in its vertical dimension, through bodies and officials hierarchically superior and according to numerous internal mechanisms of supervision and control, among which mechanisms of financial control are especially relevant;
- Realization of accountability, in its horizontal dimension, through external bodies of supervision or control and courts of justice, either at citizen's request or ex officio;
- Evaluation based on the fulfilment by public officials and administrative units of the provisions and procedures set by formal rules and regulations, and also on the correct use of public resources;
- Establishment by law of possible consequences of accountability, they being different from country to country. Consequences of administrative accountability may include a revision of the administrative act, compensation, and a sanction or a reward for the public official involved.

C. Professional Accountability

Professional accountability is characterized by the existence of a set of norms and practices of a technical or professional nature that govern the behavior and performance of members of a certain profession. These norms and practices, as long as their respective profession is integrated in the organic structure of public administration, become also part of the set of rules, regulations, and principles that govern the operation of public administration in those areas where the profession is exercised.

Members of the profession, thus, are subject to this normative set, but they move with full autonomy when performing professional activities, acting only according to their own criteria and professional knowledge.

In any event, besides respect to the general legal framework of public administration, a special loyalty to the rules and principles –technical and ethical– that govern the profession, which, on the other hand, are fixed by the profession itself, is expected from them.

These professional rules and principles have, therefore, both a technical and an ethical dimension. In fact, it is frequent for the organized professions to have their own codes of behavior and codes of professional ethics, and to establish special mechanisms for their application and control. These professional controls, where they exist, tend to focus on the profession members' compliance with the provisions of these professional rules and principles, as well as on the technical results of their performance, and they are carried out only by members of the same profession.

The main characteristics of professional accountability are the following:

- Subjection of professional officials to a set of rules and practices of a professional character –technical and ethical– distinctive of the profession, which are established by the profession itself;
- Autonomy of members of the profession in the exercise of their functions, where they act following their own personal criterion and professional knowledge;
- Realization of professional accountability, in its technical or professional dimension, through organs of technical-professional character, formed by members of the same profession;
- Realization of professional accountability, in its administrative dimension, through the ordinary organs of supervision and control of the public administration;
- Evaluation based as much on the performance's compliance with the technical rules and principles established by the profession, as on the performance's technical results;
- The consequences of this process of accountability are those established by the legal order, they being different from country to country.

D. Democratic Accountability

Democratic accountability entails the existence of a direct relationship between public administration and the society – A relationship in which the society is not only a passive object of the administrative action, but rather it adopts an active role, as much in relation to the adoption of administrative acts, as in relation to the request of accountability by the public administration. The main characteristics of democratic accountability are the following:

- Officials and administrative unit's subjection to the needs and interests of people at large;
- Relative autonomy of public administration since, although it is not formally or legally bound by the opinion

expressed by social at large, the effectiveness of its performance depends on their support and cooperation;

- Realization of the accountability through mechanisms of popular participation in the decision-making process and in the implementation of administrative acts and norms, and through the media and other instruments of expression of public opinion (information technology);
- Evaluation of administrative performance based on its outcomes, that is, on the satisfaction of the needs and interests of social groups or society at large;
- Consequences of the realization of democratic accountability are mainly the adoption, or not, of administrative acts, their revision (modification, annulment), the adoption of disciplinary acts, and the democratic legitimization of public administration's performance.

E. Horizontal and Vertical Accountability

The institutions of accountability, such as parliament and the judiciary, provide what is commonly termed horizontal accountability, or the capacity of a network of relatively autonomous powers (i.e., other institutions) that can call into question, and eventually punish, improper ways of discharging the responsibilities of a given official.

In other words, horizontal accountability is the capacity of state institutions to check abuses by other public agencies and branches of government, or the requirement for agencies to report sideways.

Alternatively, vertical accountability is the means through which citizens, mass media and civil society seek to enforce standards of good performance on officials.

While parliament is typically considered as a key institution in constructs of horizontal accountability, it is also important in vertical accountability. Citizens and civil society groups can seek the support of elected representatives to redress grievances and intervene in the case of inappropriate or inadequate action by government. In addition, through the use of public hearings, committee investigations and public petitioning, parliament can provide a vehicle for public voice and a means through which citizens and civic groups can question government and seek parliamentary sanctioning where appropriate.

7.4.4 Strategy to Enforce Accountability

- 1. Avoid Excessive Legislation and Regulation:** In attempting to improve enforcement of accountability, it is tempting to rely too much on laws and top-down policymaking. Controls on administrative, fiscal, and personnel systems can become so strict that managers cannot manage and elected officials cannot get their programs implemented.
- 2. Politics towards Good Governance:** Civil society, where it exists, can and should help to define the ends and means of governance reform, benefit from its successes, and claim part of the credit for initiatives that turn out well. Open debate airing real differences, while engendering some controversy, can elicit sustained accountability particularly if it has clear-cut effects upon the decisions and policies eventually implemented.

- 3. Build Broad-based Support for Accountability:** Even though it takes time, effort, and resources, and even though it will involve sharing the credit for improved accountability, it is far better to get out into communities, learn about popular concerns, and build a broad base of support.
- 4. Close Attention to Incentives:** Accountability reforms often emphasize public goods, such as efficiency, honesty, cultural empathy, and the like, to the exclusion of private benefits.
- 5. Public Opinion:** In many ways sustained efforts are needed to educate the public about key problems, the justification for proposed changes, the costs of better accountability, and actual results. Public education can also change citizens' conduct by encouraging them to resist exploitation by officials or by other citizens, to file useful reports of problems, and to obey new laws and procedures and thereby ensuring greater accountability.
- 6. Strengthen Checks and Balances:** While a measure of coordination among segments of government is essential, it is only part of the picture. Government must also be able to check its own excesses. The judiciary is essential to interpreting and enforcing new laws and standards, and if it is not independent of the government of the day it will be ineffective. Similarly, executive agencies require oversight, and here legislative scrutiny and credible external "watchdogs" can enhance effective policy implementation and check abuses. An ombudsman system to which citizens can make complaints and reports may also be valuable, but citizens must be confident that they will not face reprisals and that their reports will be taken seriously.
- 7. Regional Integration:** Neighboring societies and governments may well be coping with similar problems and constraints, and may be finding ways to adapt accountability mechanisms to new and complex situations. Sharing ideas, experiences, and resources, coordinating rule-of-law functions on a regional basis, and peer review of governance procedures can all contribute to ensure better accountability.

2nd ARC Recommendations

The 2nd ARC recommends following for ensuring accountability among public servants:

- (a) A system of two intensive reviews one on completion of 14 years of service, and another on completion of 20 years of service should be established for all government servants.
- (b) The first review at 14 years would primarily serve the purpose of intimating to the public servant about his/her strengths and shortcomings for his/ her future advancement. The second review at 20 years would mainly serve to assess the fitness of the officer for his/her further continuation in government service. The detailed modalities of this assessment system would need to be worked out by government.

(c) The services of public servants, who are found to be unfit after the second review at 20 years, should be discontinued. A provision regarding this should be made in the proposed Civil Services Law. Besides, for new appointments it should be expressly provided that the period of employment shall be for 20 years. Further continuance in government service would depend upon the outcome of the intensive performance reviews.

7.5 Strengthening of Ethical and Moral Values in Governance

In the last few years issues of good governance have been receiving considerable attention in the political discourse in India. Presently, a set of strategies to achieve good governance is being put forward by international lending agencies such as the World Bank and also by our own Government. Andhra Pradesh has even set up a centre for good governance to guide reforms in the state and train the officials.

The promotion of ethics and moral values in governance implies legality of Government action, rationality in policy and decision making, evolving a sense of responsibility, ensuring accountability, strengthening work commitment, creating excellence, facilitating spirit of individual and organizational goals, developing responsiveness, showing compassion, protecting the national interests, safeguarding the spirit of justice, bringing transparency and elevating integrity. Actually, these values expect the masters of ancient India to be the civil servants of modern India that are guided by a spirit of service.

Suggestions to Promote Ethics and Moral Values in Governance

As role of ethics and moral values is very important in bringing good governance, this study briefly attempts to highlight the following suggestions:

Principle of Selflessness: Holders of public offices should take decision solely in terms of public interest. They should not do anything to gain financial or other material benefits for themselves, their family or their friends.

Integrity: Holders of public offices should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices only on merit.

Accountability: Holders of public offices should be as open as possible on all the decisions and actions that they take. They should record reasons for their decisions and restrict information only when the wider public interests clearly demand.

Honesty: Holders of public offices have a duty to declare any private interest relating to their public duties and to take steps to resolve conflicts arising in a way that protects the public interests.

Leadership: Holders of public offices should promote and support these principles by way of leadership and examples.

Sense of belongingness with the Public: In order to implement ethics in governance, the elected representative like village Panchayat members, Block Smiti members, Zilla Parishad members, Elected members to the local bodies, MLA's and MPs should develop a sense of belongingness with voters of their constituencies; and listen and redress their grievances by visiting them periodically. There should not be any communication gap between the two.

Responsible and Responsive Civil Servants: Each Ministry is headed by a spiritry level bureaucrat who is a link between the public and the Government. These high level officers should give proper feedback on the problems faced by the public to the concerned Minister and suggest the feasible measure which can be taken to solve the problem within the ambit of law. If possible they can also suggest to amend the law to address the problem properly.

Cordial Relation with People: If there are cordial relations between the Government and the people at different levels, then governance will transform into good governance. People will feel that they are part of the administration, and they will understand better the position of the Government if any of their critical demand is not met with, due to any technical reason.

7.6 Ethical Issues in International Relation and Funding

7.6.1 Introduction

The field of ethical issues in international relations has generally been understood to include such topics as just war, humanitarian intervention and the responsibility to protect, global justice, economic sanctions, global governance, and more recently, issues concerning migration and the environment. Within this field, there have been discussions of considerable importance on a wide array of questions: is there a right to intervene in situations of internal conflict? Are there occasions when there is a moral duty to do so? Are there forms of warfare that are inherently morally impermissible? How do we weigh security interests and humanitarian concerns when they come into conflict? In foreign policy and global governance, are economic measures, such as sanctions, always permissible? Or should they be subject to the same restrictions as warfare? Are there any ethical limitations on what may be done by institutions of global governance, such as the United Nations Security Council?

Ethics are consubstantial with the purpose of humanitarian aid. Yet there is little mention of it in reflections on international aid. Why is it that no specific ethical approach has emerged? In working to "preserve lives" and even to "restore people's ability to choose, can humanitarian action really do without a structured ethical approach to safeguard its fundamental principles?

The North-South dimension of humanitarian aid, its links with the global economy and the complexity of its missions are all factors generating contradictions, dilemmas and ambiguities

– factors which, paradoxically, may have prevented organizations from institutionalizing an ethical approach, despite the fact that these are everyday preoccupations for the NGOs now calling for one.

“Ethical” Humanitarian Issues

There are two major challenges to address in the ethical questions raised by NGOs.

The first lies in the contradictions inherent to humanitarian action which become apparent as soon as it seeks to treat wounds without being missioned to prevent the cause, to bring order to chaos and to bring down borders that are shored up by power relations. It seems to us that the main cause of these paradoxes that aid workers have to deal with every day is their presence on the international stage which probably goes a long way towards explaining the difficulty NGOs have with ethical positioning and debate.

The second challenge resides in the diversity of the problems encountered by aid workers and the consequential confusion between dilemmas that are directly related to ethics, difficulties of a more managerial or deontological nature and persistent taboos.

7.6.2 Principles of Ethics in International Relations

In international relations, the role of ethical issues and ideas is in shaping the nature of interaction between actors. Throughout history, this has been a point of controversy for ethical position that it must attribute the actors and their decisions. From 2400 BC, this topic has been brought up to date. *Aristotle* in the Greek cities to the Italian city states and eventually metropolis *Machiavellian* global village has commented on the ethics of what role will be played by interactions between actors in the territory. Historically, it leads us to this position that morality has never been a universal basis for the behavior in the international mark the quality of life of ultimate strategic decisions.

Responsibility to Protect

The concept of the responsibility to protect drew inspiration of *Francis Deng’s* idea of “*State sovereignty as a responsibility*” and affirmed the notion that sovereignty is not just protection from outside interference rather is a matter of states having positive responsibilities for their population’s welfare, and to assist each other. Consequently, the primary responsibility for the protection of its people rested first and foremost with the State itself. However, a ‘residual responsibility’ also lied with the broader community of states, which was ‘activated when a particular state is clearly either unwilling or unable to fulfill its responsibility to protect or is itself the actual perpetrator of crimes or atrocities’.

7.6.3 Ethical Issues Involved

Mixed Motives Problem: The legitimizing rationale for preventive humanitarian intervention is its altruistic purpose that is to prevent mass atrocities. In the absence of altruism, it is simply ‘war’. Although the difference between humanitarian intervention and war is not widely recognized in international

law indeed, there is still no definitive legal standard for ‘humanitarian intervention the distinction remains politically important operation that is perceived to be defending civilians under threat will tend to elicit a very different response than one that is seen as a self-interested war.

Counterfactual Problem: The second structural problem is the intrinsic difficulty of demonstrating that a preventive humanitarian intervention, once deployed, has actually succeeded. By definition, when such an operation works, something has not happened - a mass atrocity. The principal evidence of success, in other words, is a non-event. Consequently, in order to demonstrate that an intervention has been effective, interveners must resort to ‘counterfactual’ reasoning about what might have happened if not for the intervention.

Conspicuous Harm Problem: While the benefits of a humanitarian intervention must be imagined, its costs are patently clear. This is the essence of the conspicuous harm problem. No matter how carefully coercive operations may be planned and conducted, they almost always cause collateral damage and accidental deaths. They break things and kill innocent people which is bound to have a more immediate impact on public debates than a conjectured counterfactual scenario.

End-State Problem: In cases where outside forces set out to secure a population under threat, they may achieve their initial objective but then face a quandary - how to disengage or withdraw without recreating the same threatening conditions that prompted military action in the first place.

Inconsistency Problem: The final problem is that of inconsistency in the international response to mass atrocity emergencies. There will be circumstances in which civilians are gravely threatened and outside actors cannot, or choose not, to intervene. This may result from any number of causes. For example, there may be conflicting perceptions of the nature, degree or urgency of the threat, which could make it impossible to reach agreement on international action.

Events on the ground might also unfold more quickly than anticipated, and consequently the temporal window for making a correct judgement about an imminent atrocity may be narrow and easy to miss. Alternatively, prospective interveners may rule out an operation because they believe it would conflict with their interests.

Doctrine of International Community: The international community has spent the past century agreeing on standards of the human condition which States are bound to uphold for their people.

Values such as the rule of law and human rights are espoused as essential elements in secure, stable, and prosperous states and are evidenced by universal characteristics that include democratic elections, transparent courts and corrections systems, absence of ethnic, racial and religious persecution, and various freedoms such as those of movement, speech, and religious practices.

Emerging universal standards are also evidenced by access to health care, education, transportation, and technology and are contributing to the continued development of the doctrine of the international community.

The absence of these standards of quality of life, coupled with egregious human rights violations, is an impetus for intervention based on *post-Westphalian theory* espoused by most members of the international community. However, these reasons do not necessarily cause powerful hegemony, such as China or the US to intervene.

Rather than an historic colonial ideology that foregrounds the values of the colonizer as superior to those of a people under colonization, the interconnected and interrelated international community of States sees the values it subscribes to as those that connect all peoples – universal rights and freedoms.

This evolving doctrine, as presented in 1999 by *Tony Blair*, the former British prime minister, is built upon a foundation of theory that includes the *White Man's Burden*, Christian charity, and Cultural Imperialism, but it moves considerably beyond these points of reference and advances to include the collection of states that make up the international community.

Proponents of the doctrine of the international community suggest that it is difficult to argue against the ideology that all people deserve the right to live without want and deserve to have their rights protected so that they remain outside of the realm of persecution and fear so common in environments experiencing contemporary armed conflict.

The doctrine of the international community is value imperialism as a modality of intervention in the twenty-first century, which has progressed beyond the cultural imperialism of yesterday. To promote the inclusion of failing states into the international community by imposing a set of commonly held universal rights and freedoms upon their systems, politics, economies, strategies, and territories provides benefit to those who support this ideology. Adopting wayward countries into the sisterhood of States moving towards peace and security writ large transcends interests and moves towards shaping our environments with the application rather than the imposition of universal standards.

Just War Theory

The classic Just-War Theory has its origins in Christian theology. *Saint Augustine* is usually identified as the first individual to offer a theory on war and justice. The Saint referred to the Bible and regarded some wars as necessary to amend an evil. *Saint Thomas Aquinas* revised Augustine's version, creating three criteria for a just war: the war needed to be waged by a legitimate authority, have a just cause, and have the right intentions. The moral justifications for a war are expressed in *jus ad bellum*; whereas, the moral conduct of the war is expressed in *jus in bello*. The Just-War Theory is a set of rules for military combat.

Principles of Just-War Theory

1. Last Resort: A just war can only be waged after all peaceful options are considered. The use of force can only be used as a last resort.

- 2. Legitimate Authority:** A just war is waged by a legitimate authority. A war cannot be waged by individuals or groups that do not constitute the legitimate government.
- 3. Just Cause:** A just war needs to be in response to a wrong suffered. Self-defense against an attack always constitutes a just war; however, the war needs to be fought with the objective to correct the inflicted wound.
- 4. Probability of Success:** For a war to be just, there must be a rational possibility of success. A nation cannot enter into a war with a hopeless cause.
- 5. Right Intention:** Primary objective of a just war is to re-establish peace. Peace after war should exceed the peace that would have succeeded without the use of force. The aim of use of force must be justice.
- 6. Proportionality:** The violence in a just war must be proportional to the casualties suffered. The nations involved in the war must avoid disproportionate military action and only use the amount of force absolutely necessary.
- 7. Civilian Casualties:** The use of force must distinguish between the militia and civilians. Innocent citizens must never be the target of war; soldiers should always avoid killing civilians. The deaths of civilians are only justified when they are unavoidable victims of a military attack on a strategic target.

7.7 Ethics of International Funding

International Funding means a fund (financial aid) coming from a foreign entity mainly to LDCs (Least Developed Countries) and Developing countries for betterment of socio-economic indicators or for construction/maintenance of infrastructure e.g. International Development Association (IDA complements the World Bank's original lending arm—the International Bank for Reconstruction and Development (IBRD)) lends money on concessional terms. This means that IDA credits have a zero or very low interest charge and repayments are stretched over 25-40 years, including a 5-10 year grace period.

7.7.1 Case for Foreign Aid

Foreign aid can play a vital role in helping LDCs to promote economic and social development.

1. Foreign aid supplements LDCs low domestic savings and low foreign exchange reserves. Thus, foreign aid permits a country to invest more than what it is able to save.
2. Aid fills up 'technological gap' and 'manpower gap' of the developing countries.
3. For instance, the green revolution of the mid- 1960s was driven by a technology revolution. It was a product of agricultural research program by Rockefeller and Ford Foundations that helped transfer and adopt scientific advances to many developing countries. This resulted in substantial increase in output of food grains in many Asian countries like India.

4. Foreign aid can help to build up a country's infrastructure of roads, airports, power stations, health centers, schools and colleges, shelter, a clean and pure water supply, etc. As a result, social returns of foreign aid become higher than its costs.
5. However, aid will flow to that country which agrees to the policy change recommendations e.g. The LPG reform in India. "Regardless of the influence used, foreign assistance could certainly become a means of speeding policy reform in developing countries."

7.7.2 Case Against Foreign Aid

1. Such foreign economic aid in recent past came to be linked with military aid and political and military movements in poor low-income countries. Some even argue that the developed countries need to concentrate on the typical domestic problems of LDCs, such as poverty, hunger, inequality, malnutrition, etc.
2. Recent experiences of Hong Kong and Singapore; past experiences of Japan and China; foreign aid is not a necessary tool for development as these countries developed without any substantial foreign aid.
3. Above all, aid may produce some undesirable effects on the balance of payments of a country as this leads to

drainage of foreign exchange reserves by way of royalty, dividends, etc., to be paid to the donor countries.

4. Foreign aid may result in an ultimate lowering of the recipient's long-term growth rate. The U.S. PL 480 aid had laid the inevitable impact of hampering the growth of the agricultural sector through dumping thereby discouraging the growth of domestic production of food and primary commodities.
5. Finally, because of foreign aid LDCs are often caught with substantial debt repayments. Further, the "conditionality" clause of loans of multilateral agencies is the most worrying aspect of foreign aid.
6. This can seriously attack the sovereignty of nations as well as promotes politicization since a few major industrial countries (mainly the USA) are the strongest decision-makers in shaping the Fund-Bank programs.

In view of these strong reactions against foreign aid, many argue that aid leads to the extension of international Western style capitalism and supports the political motives of the strong neo-colonial powers. Thus, when aid serves political interests, the economic benefits of aid are lost.

