

# General Knowledge Today



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## Ethics and Integrity -8: [Exam Oriented] Ethical Issues Questions-1

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## Ethical Issues around Social Media Screening / Recruitments

1. More and more recruiters are using Social media screening of the candidates during the recruitment process. In your view, is it ethical to watch the social media activity of aspirants while they apply for a job? Discuss.

Today, social media is one of the most popular forms of communication. Only recently, Social media screening has attracted the recruiters because each platform is used for a different purpose. For example, Facebook is used to connect with friends and family; LinkedIn for business networking, Twitter for news gathering etc.

Although social media is a valuable way to research about a candidate and discover anything incriminating about them; it poses a question if such screening goes too far and invades the privacy of the candidates.

**Is it right to watch online activity?**

It may be right or wrong. It may be right because it can provide additional valuable information about the candidates and their engagement in some kind of illegal activity, aggression, a criminal past or racism, sexism, homophobia etc. Further, privacy argument can be countered on the basis of the fact that candidates themselves share the information / content on social media {with their own free will} and that content is in public, so nothing unethical in using that content for selecting right candidate.

However, social media screening leads to rejection of many candidates, which would be otherwise, could be selected. The question is- what qualifies to be a valid reason to reject a candidate? Such screening is also subject to biased opinion of the recruiter due to additional information about the candidate discovered during check of their social media profiles. {The answer is based upon [this article](#)}

## Bioethics and Human Rights

2. What do you understand by Bioethics? How Bioethics and human rights are related to each other? Discuss.

Bioethics involves a study of various ethical issues and ramifications which arise from new research initiatives and advances in biological and medical sciences. It came to prominence due to ethical questions being raised by new medical policies and practices being adopted in the world. The humane implications of many scientific procedures like use of animals and plants in research, stem cell therapy, cloning, surrogacy, euthanasia, abortion etc. gave way to wide ranging debates over the blurring boundaries of life in lab. Bioethics is treated as an interdisciplinary science, dominated by three primary disciplines, namely: analytical philosophy, legal analysis and applied social sciences (primarily psychology and social research).



- Bioethics has come to rescue the basics of life, especially the organisms which are capable of feeling fear. As per the Belmont Report, published in 1979, by the National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research- autonomy, beneficence and justice are regarded as the fundamental principles which should guide bioethicists. Furthermore, non-maleficence, human dignity and sanctity of life were also considered.
- It has been internationally agreed that it is highly desirable to have universally defined standards for bioethics with complete regard for human dignity and human rights as per the cultural pluralism inherent in bioethics.
- Bioethics and human rights technically work on same social and historical forces and events. It can thus be expected that wherever they will seek to deal with different problems they will act complementarily and wherever they will seek to deal with common problems they will try to converge although convergence is highly debated internationally. The primary obstacles which don't let them converge can be grouped into two major groups namely-practical and institutional on one hand and theoretical or academic on another. It is the dominant role of philosophy in the field which leads to significant understanding problems as there is significant difference in the approach.

Also, health law and bioethics share a very complex relation typically in international legal systems. It is the discipline of human rights which serves as a common ground. This gives firm base to the doctrine of health laws and more practical implementation of bioethics. Human rights are thus a midrange set of heuristics between moral reasoning and moral problems. Human rights framework stresses on specific criteria of the social world like poverty, injustice, inequality, abuse etc. Thus, human rights come to challenge bioethics as a social phenomenon.

### Environmental Ethics

**3. What do you mean by environmental ethics? To what extent, the human values can be important in solving environmental problems. Examine.**

*"We have inherited Earth from our forefathers but have borrowed it from our children."- Anonymous*

The only way to save the environment is to get everyone involved. No government or organisation alone can undo the wrong done by all collectively and continuously. Latter can only make conscious efforts to make people aware of their duties towards the environment. Understanding one's role and importance in reversing the dangerous changes done to the environment makes a lot of difference to the whole. It's every bit that matters.

- Respect: Going by the same, no effort is fruitful unless done wholeheartedly. Humans have to act more humanely towards other forms of life and their habitats. The respect for others right



to survival is paramount which is fundamental in promoting environmental awareness.

- **Accountability:** It is said that the future is either green or not at all. Everyone is accountable for making it happen. One has to consciously be responsible for all the actions taken on a daily level to save energy and cleanliness. The time calls for proactive steps to be taken by the youth for bringing awareness in both the older and younger generations. Taking onus for every wrong done is one step towards a better tomorrow.
- **Determination:** Everything is possible if one is determined to achieve. Destination is decided by one's determination in life to succeed. Likewise, the extent of damage done to the environment although great but can be reversed by determination and zeal. This has to come at every level starting from individuals, organisations, societies and nations. Every bit counts.

Thus, good values trickle down to every sphere of human endeavour and bring prosperity in every dimension.

### Ethics and Religion

**4. Religion is indispensable to any society although it is not prerequisite to ethical conduct. Amplify.**

*"Religion is the opiate of people-Karl Marx" While*

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Religion is indispensable to any society although it is not prerequisite to ethical conduct. On the contrary, religion is seen to be opposed to reason and common sense. However, it has been instrumental in making people differentiate between right and wrong. It has helped people imbibe values like honesty, forgiveness etc. and is a source of hope for many in despair. So, to some extent it has been able to spread peace and harmony in society by standing for good and ethical conduct. However, there have been instances where religious beliefs have stood in stark contrast to reason and fairness. Such cases have led to rising intolerance even in civilised societies.

While religion rests on revelation, the ethics is purely based on humanistic tenets of reason. Hence ethical principles do not get their authority from religious doctrine and in turn help raise independent and responsible individuals. However, a common ground is often traced between the two to avoid social discord and division. Moreover, virtues like prudence, reason, accommodation, compromise, moderation, honesty, etc. are advocated by both. They serve as the fundamentals on which any discussion on religion and ethics can take place with certain degree of moderation and agreement. Latter in turn increases chances for better choices in society. On the contrary, any collision between the two often leads to undefined chaos.

Thus, although ethics are not based on religion but latter does promotes a basic code of conduct and value system in the society. It unites people through festivals and beliefs. Wrong interpretations of religious texts often lead to communal tensions and unrest. But, broadly religion is necessary to avoid



moral chaos and conflicts.

### Culture and Ethics

5. “Culture is that complex whole which includes knowledge, belief, art, morals, law, custom and any other capabilities and habits acquired by man as a member of the society.”-E. B. Tylor. Explain.

Culture is a collection of ideas, customs and social behaviour of a particular section of people or society. It is thus a social domain which stresses practices, discourses and other material expressions in life which has a profound effect on ethics. Culture refers to the outlook, values, goals and practices which are common to a group, organisation and society. Ethics are usually interpreted as per the cultural norms and beliefs of a place and hence deeply influenced by them.

- Cultures are known to vary over time, between countries and geographic regions and also amongst groups or organisations. Cultures are reflection of ethics and standards which define how people behave and interact with others. Every society has its own set of ethical constraints which emanate from the age-long cultural practices.
- Ethics thus vary with cultures. Practices which are acceptable in one society are completely prohibited in another. E.g. in Muslim society, wearing hijab is must for women, but in western cultures this is not acceptable. Likewise, in American society, people like to address the bosses by their first names while this is not acceptable in India.
- In addition, there are many other factors which effect ethics and culture like socio-economic structure, geography, religion etc. Traditions and ethical practices prevalent in high class society are not seen in lower strata which are more conservative in their approach.

Thus, we see that ethics and culture are highly interrelated. Interpretation of morally right and wrong things depends on cultural norms of a place

### Science and Human Values

6. What is the implication of science on human values and vice versa? Discuss.

Human values have great significance in all endeavours of human life and science is not an exception. Many parallels can be drawn where one was possible because of the other.

- No scientific discovery was possible without perseverance, dedication and fortitude.
- It is pure science which further intensifies the need for values like compassion, cheerfulness etc. as a way to bring peace to human mind. All these relieve mental stress and other related problems.
- Human values and science aim for welfare of mankind.
- Cooperation and coordination between scientific communities is not possible without human values of trust, leadership, truthfulness and objectivity.



On the contrary, there have been some values and beliefs which could not be explained by science like the religion, the belief in enlightenment, paranormal activities etc. Also, many anti-social people have misused scientific discoveries to forward their personal aims against humanity. Such points defy all logic. Values play a great role in serving all aspects of humanity and any dichotomy can spell chaos.

### Democratic, Professional, Ethical and People Values

7. Discuss and differentiate between the democratic, professional, ethical and people values in public service.

All public servants are guided by a balanced framework of public service values. These are democratic, professional, ethical and people values.

#### Democratic Values

The primary role of a public servant is to assist the concerned minister to serve public interest. They are expected to give unbiased and honest advice to the minister. They have to loyally implement all the decisions taken by the government and also give information about their work to both the Parliament and public.

#### Professional Values

These include competence, excellence, efficiency, objectivity and impartiality. They are expected to maintain the tradition of political neutrality of the Public Service. All public money has to be put to effective and efficient use. They should always strive to improve the quality of service and adapt to change through innovation. Maintaining transparency while respecting confidentiality of their duty.

#### Ethical Values

Public servants are expected to always act in a way to maintain public trust. The duties should be carried out in a way that public confidence in integrity, objectivity and impartiality of the government are always conserved and will bear closest public scrutiny. Any conflict of interest between public interest and personal interest should always weigh in favour of public interest.

#### People Values

This stands for showing respect, fairness and courtesy in all public dealings. They should uphold the respect for human dignity and inspire the exercise of authority and responsibility. All organizations should be led through participation, openness and communication. They should have respect for diversity and for official languages of the country. All appointments of Public Service should be based on merit. All these values have a key role in recruitment, evaluation and promotion.

### Nation state and Ethical Dimensions to it

8. To what extent, the advocacy of amoral pursuit of power by Chanakya and Machiavelli is





relevant for today's nation state? Discuss critically keeping in focus India.

With all due respect to Chanakya and Machiavelli and their advocacy of amoral pursuit of power, the 21st century nation state has a definite ethical dimension to it. As new and newer non-state actors pose new and deadlier challenges to orderly global arrangements, the State and its traditional claims to legitimacy and obedience can only be reinforced in ethical terms.

The Indian State and its polity can flourish and prosper only on the basis of an ethically sustainable just and fair order. There are four important dimensions to this. Firstly, the state must remain benevolent with self assigned mandate for welfare of its citizens. It is fortunate that state in India, regardless of whichever party in power, has never left the poor and downtrodden at mercy of economic forces. Secondly, the state and political organs need to operate in such a manner that they deepen the society's moral capital. This can be done only when the 'public purpose' is clearly defined and outlined. Thirdly, at time, the polity should be able to stand against tide of public mood, which is often spontaneous and can be inflamed. Public opinion is generally manipulated by cunning leaders. Fourthly, Leadership's task is to create trust and build harmonious solidarities among the citizens. This can be done only by a leadership which enjoys a semblance of moral authority. Democratic vibrancy will have to be invoked to make our leaders aware of their moral and ethical responsibilities.

### Communication Deficit and its Moral Angle

9. What do you understand by "Communication Deficit"? Is there any ethical angle to communication deficit? Discuss how one can address the issue of Communication deficit.

Communication reflects our attitude, which represents our moral values. Thus communication is directly related to our ethics and so does communication deficit.

What is Communication Deficit?

We often hear current account and capital account deficit in context with economy. However, communication deficit has dubious distinction of being the biggest of all deficits. It refers to the deficit between how much we speak and how little we listen. No other deficit can match the enormity of communication deficit. And the impact of this deficit on our lives is much more detrimental than that of deficits in the area of economy. There is a cacophony of sorts, a din all day.

Reasons of Communication deficit

The reasons are obvious. A child is educated to speak, not trained to listen. We eulogise oratory and heap praises on raconteurs, hardly realising that without listening, communication is not consummated. The greater the communication deficit, the more conflict in families and societies.

How to address Communication Deficit



To build bridges between people, the balance of communication needs to be maintained. This is possible if we become less voluble and more inclined to listening. Through listening more, we can make sense, and by speaking less, we can avoid non-sense. Speaking is fuelled by ego and aggression, listening is sustained by humility and empathy. Let us address the issue of communication deficit and strive for balance.

### **Ignorant Mistakes and Human Action**

10. “Honest mistakes are forgivable as they don’t define anyone and are committed unintentionally.” To what extent do you agree with this view? Discuss with examples.

I agree with this view completely. Every human action is subject to ethical scrutiny only if it satisfies below criteria.

- **Knowledge:** The mistake was committed out of ignorance i.e. in a state of being unaware of the prevailing law or a state in which the circumstances were out of conscious control of the individual. Such actions don’t warrant punishment even though they may be ethically wrong. E.g. A person who is new to an organisation might commit a mistake for the lack of knowledge of the rules and regulations of the same. He maybe ethically wrong but his mistakes should be overlooked for ignorance.  
[www.gktoday.in/upsc/ias-general-studies](http://www.gktoday.in/upsc/ias-general-studies)
- **Voluntariness:** The mistake was committed without the will of the doer. Although, the action may have caused great damage but the doer did not voluntarily opt to perform the same. E.g. If a patient dies while undergoing an operation, the doctor is held responsible for the same even though the doctor was putting his best efforts to save the life. The absence of voluntariness in performance of the action goes a long way to define its ethical validity.
- **Free will:** It is a common saying that every free action is voluntary but not vice versa. A person may have committed mistake but under influence of some external force or fear. The presence of latter factors inhibited the doer to exercise choice. E.g. A person may have to indulge in corrupt practice which may be dangerous to society or someone else at gun-point to save his own life. Such an action maybe wrong but will not qualify to be ethically evaluated.

Any act is labelled as a mistake after weighing the intentions behind it and the level of damage it has caused. An honest mistake should be forgiven if it was not directed towards causing pain and the doer realises the same in time.

### **Relationship between Law and Ethics**

11. What is the relationship between law and ethics? Is there any conflict angle between the two? Critically examine citing examples, how a public servant can resolve such conflict.

Law represents the ethical position of a majority of society at a particular point in time. Though law and



ethics are closely related, the two remain distinct. Not all laws would be ethical for all situations. For example, although it is illegal for a scientist to post their findings on a website if the copyrights have been transferred to a publisher, many would consider this to be morally 'right'. Similarly, adultery is legal in most western societies, yet many think that it is morally 'wrong' to have an affair while being in a monogamous relationship.

### **Conflict between Ethics and Law**

Ethics provides a means through which to determine which legislation to apply in a given situation. There is always scope to reflect on the extent to which different laws apply; in fact, judges are empowered to interpret the law to allow trade-offs that are appropriate for specific circumstances. In some cases, there can be conflict between law and ethics; and it's the situation which decides which should prevail. One example is inter-caste marriage in India. Such marriages are permitted in India under Hindu Marriage Act 1955. However, many in Hindu society consider intercaste marriage moral and ethical grounds. Other examples of conflict of law and ethics are as follows:

- Abortion is legally wrong especially as government is promoting the birth of girl-child. But, it becomes ethically right when a woman who has been raped undergoes abortion.
- Government resorts to demolish slums to clear government land. This may be legally right for it is the duty of government to clear illegal encroachments. However, it may be ethically wrong as many people are rendered homeless. The government should ensure alternate housing for the affected populations.

In public service, there can be many instances where an act is ethically correct but legally not right; or an act is legally right but ethically not correct, and a public servant needs to resolve it on almost daily basis. For this, a public servant has to exhibit a multi-dimensional personality. In addition to being compliant with law, there has to be apparent sensitivity to the problems of people he administers and manages. This is essential for smooth administration due to vast inequalities prevalent in the society. It is not uncommon to see rich men directed against women, men against women and also dominant castes against the poor. Compassion becomes the underlying factor in deciding the needs of the marginalised sections especially while formulation of policy and its implementation. This will foster public trust and confidence in the institution.

## **Value System and Traditional Wisdom**

**12. What do you understand by value system? In your view, how the Indian traditional wisdom can help in development of personal and organizational value system? Discuss.**

Values provide the basic foundation for understanding a person's attitudes, perceptions and personality. Values contain judgmental element as to what is right, good, or desirable. Values have both content and intensity attributes. Content attribute describes- what is important; intensity



attribute describes- how much is it important. When individual's values are ranked in terms of their intensity, we obtain that person's value system. Value system is thus a hierarchy based on a ranking of an individual's values in terms of their intensity.

We need to look back to the wisdom of sages and seers of India who spoke with remarkable consistency about Indian culture and values for the development of personal and organizational values. Indian traditional wisdom drawn from ancient Indian scriptures and texts can help employees to become more creative and focused and could prove to be of immense use to modern day and future executives and organizations. Our ancient scriptures, books and epics like Vedas, Bhagvad Gita, Ramayana, Mahabharata, Jaina and Buddhist texts, Manusmriti, Arthashastra and Panchtantra provide a rich source for development of strong organizational values.

### Role of Government in Inculcating Values

**13. What role can be played by the government in inculcating values in Children? Discuss.**

Values are guidelines which help every individual to lead morally correct life. Values in turn shape behaviour which comes to define the overall persona of a child. Children are far more observant and receptive than adults. They generally imbibe what they see and experience. They take things at their face value. So, as representatives of the conscious population of the nation, government does have a great responsibility to set appropriate examples for the leaders of tomorrow. There are many ways a government can be instrumental in doing the same:

- The government should *lead by example in eradicating corruption at all levels*. A child brought up in an environment where everything can be done by bribes leads to justification of the same.
- It can ensure that the law is same for all and that no individual who has been proven guilty gets any kind of special treatment or exemption. There should be speedy delivery of justice. This will reinforce their faith in the judicial system of the country and instil confidence in them.
- The curriculum in school should be properly monitored by the government through concerned organizations. It should impart values like patriotism, secularism, equality, liberty and respect for other views. The curriculum should not favour any particular religion or sect.
- Furthermore, media should be given due freedom but instructed not to show content which can corrupt the minds of young children. Electronic media has deeply penetrated the lives of children. Its content should be closely monitored by the parents and government at large for the children may not get allured by false traps.

Thus, working as per the words of the Father of our Nation, “*Be the change you want to see in the*



world", there is a lot in hands of the government to ensure the next generation grows up to be ethically strong individuals.

### Unfair Means in Examinations: Ethical Issues

14. Every day we hear about the occurrences of rigging in exam process, cheating and unfair to get a seat in professional course, jobs and better score in schools and colleges. While discussing the reasons, suggest ways to curb this problem.

There has been a spate of incidences where students are resorting to unfair means to pass the exams. Students are seen making use of novel technologies to do so. This has been mainly seen due to increase in cut-off percentages in most of the professional institutions and social pressure which forces students to resort to anything to score high. Cheating is an easy route to success amongst children who do not invest time in hard work and bank on shortcuts.

- Success has changed its meaning and manifestations. The school grades and social status mark the level of success instead of the real knowledge acquired and the character of the person like sensitization for social and other cultural aspects of life. There are many examples of highly successful people like Bill Gates, Steve Jobs etc. who had dropped out of schools yet were able to make a difference to the real world.
- Stressful teaching methodologies, strict and long study schedules along with the rising influence of social media has shadowed the minds of students and has curbed their ability to think independently. The tight schedules have also led to reduced family time. All this has adversely affected their concentration and preparation. Lack of preparation forces them to take help of unlawful means to get good grades.
- Teachers are also responsible to some extent as the lack of interest on part of majority of teachers serving in government-run schools is apparent in low attendance and poor grades of students. They have failed to keep the interest of students alive in their respective subjects. As a result students are forced to seek outside coaching which is very expensive. Those who don't afford are then left with no option but to opt for shortcuts to success.

Strict monitoring of school attendance for both students and teachers should be taken up by the government. Curriculum should be designed in a way that rote learning is discouraged and things are taught with a more practical approach. Proper time for in-house examinations and regular class-tests should be conducted as a mandate for all. Parent-teacher interaction should be encouraged. Teachers have to be constantly trained for latest techniques and motivation. Government should also shell out requisite funds for proper development of government-run schools. Government should ensure all students have access to school-books and uniforms. There should be no laxity in discipline at all costs. All these measures will go a long way to strengthen the education system.



### Education System: Value Education

**15. What do you understand by Education without values? Why value education is necessary?**

The primary function of education is to enable a person to think rationally, intensively and more critically. However, mere formal knowledge is not enough to raise balanced adults. Values are integral for building a strong character. Education and schooling goes together and either one is incomplete alone. Education makes one more tolerant of views and beliefs of others. As Aristotle quotes, “it is the mark of an educated mind to be able to entertain a thought without accepting it”. At the same time educating individuals without moral learning is like training a menace to the society.

Education increases the chances of decent employment and rise above the masses. Contrarily, an educated person without any values is more dangerous than normal criminals as he/she can make use of acquired knowledge for purposes which are harmful to the nation. It has been lately seen that the most dreadful terrorist organizations of the world are recruiting highly educated individuals who can use sophisticated technology to promote their campaigns. This is a clear example of how harmful education can be without teaching values. Youth is a great resource if their energies are properly used but can be as harmful if misguided.

Thus, values guide behaviour and direct people towards positivism. This is helpful in establishing peace and harmony in society.

### Nudging and Ethical Issues

**16. What do you understand by the so called “Nudge theory” which has found great relevance in business management and corporate culture? Discuss.**

The concept of nudging deals with positive reinforcement, indirect advices and suggestions given to improve performance by influencing motives and decisions of the groups. The nudge theory became popular in 2008 by the book titled: *‘Nudge: Improving Decisions about Health, Wealth and Happiness’*.

Nudging works more effectively than direct instruction, legislation and enforcement. The concept of nudge as per Richard Thaler and Cass Sunstein is defined as “any aspect of the choice architecture that alters people’s behaviour in a manner which can be predicted without making any changes to economic incentives”. The intervention has to be easy to avoid and cheap to consider. Nudges are not mandatory on anyone. The nudge theory has found great relevance in business management and corporate culture.

- The concept believes in capacity of behavioural economics to push for effectiveness in government decisions. It is seen that many psychological and neurological biases help in making people decisions which are antagonistic to their best interests. The idea rests on the fact that it is possible to push people for better decisions by giving them different choices in



different ways. E.g. the government run advertisements to build toilets in every rural household is a working as a great nudge to make people think and adopt the change. Likewise, the campaign about Swachh Bharat also served as a nudge to make people realise the importance of keeping the country clean.

- Nudging is also used by many marketers as a tactic to entice people to make decisions. There are many ethical issues which get highlighted in the concept. These are:
  - **Authenticity:** In an economical sense, there are misleading advertisements which do not depict the real product. Likewise, the false election promises made by politicians are a way nudging gets entangled in ethical debate. In a behavioural aspect, many times humans are successfully able to disguise their feelings.
  - **Privacy:** Looking at economical aspect, many financial companies attract customers by alluring offers just to seek their personal details. Latter are then misused or even sold to other data companies. Also, nudging by fake God-men often lead people to give away their private information.

Nudging can thus be regarded as both positive and negative depending on the intent of the person/party doing it.

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### **“Cui servire est regnare”**

**17. What do you understand by “Cui servire est regnare”? Do you think that it is synonymous to people’s participation in administration? Discuss.**

“Cui servire est regnare” means ‘to serve is to rule’. Hierarchical power has slowly given way a well networked authority in name of the executive and well-structured bureaucratic machinery. Both the political leadership and the appointed officers are meant to serve the public. Public service has undergone many changes over the years primarily due to increase in public awareness and expectations.

The roles of the public servant should be directed to maximise welfare of the people. It is essential for him to display certain values like integrity, honesty, citizen-centric, objectivity and transparency which will foster humanity. Compassion for the needy and depressed is essential to bring him close to the real problems of life faced by people under his jurisdiction.

Involvement of citizens in public administration is highly relevant in this age of social networking where information travels at the speed of thought. Participation of people in administration can make it more effective.

They can serve as the third eye for the government and help it find gaps in the administration. They being the primary stakeholders in policy-formulation and their involvement will bring in more





transparency and accountability. It will spread a wave of empowerment and usher in a raised level of trust between people and government. It will also bring down corruption.

### Inter-caste Marriages: Law and Ethics Angle

**Q8. Although Inter-caste marriage in India has been given legal sanction, there are many in the societies who oppose it on moral and ethical grounds. Critically discuss the issue on ethical ground.**

Dr. B.R. Ambedkar has said, “Caste has killed public spirit. Caste has destroyed the sense of public charity. Caste has made public opinion impossible. Virtue has become caste-ridden and morality has become caste-bound.”

India is a multi-ethnic and multi-religious society. There have been concerns about declining demographic statistics amongst every community especially the minorities. This is the reason there has been apparent intolerance to conversions. Inter-caste marriages have always been viewed as the most potent weapon to spoil the purity and perpetuity of the caste. They have also been seen to challenge family honour and dignity. However, in a democracy which is held by secularism and equality such archaic mind-sets need to be legally negated and defied because:

- Any religious law or order which stands against inter-caste marriage is a direct assault on the unity of the nation and free will of any individual. Such incidences gradually lead to serious fractures in the society.
- States like Tamil Nadu and Haryana have brought shame to the nation for the rampant killing of young couples in name of family honour. Many heinous punishments were dictated by the Khap Panchayats to these couples. They have been a blot to the modern society of a nation which is striving to be the next economic super-power.
- Such marriages are scientifically backward as they don't enrich the gene pool of the community.
- Furthermore, the apex court of the nation also stands juxtaposed to the unfair tradition and thinking. In its verdict of Lata Singh versus State of UP, the Supreme Court reiterated the fact that inter-caste marriages are not banned as per Hindu Marriage Act and is in national interest. It is illegal to stop them in any way.

Thus, no law prevents individuals of right age to marry the person of their choice. So, it is completely unethical to not let people choose their life partners on caste grounds. Any such tradition or view should be openly opposed without any fear or guilt. People should be educated about the personal freedom and right of young individuals. Instead any forcible acts of marriage should be opposed.





### Conscience as a Guide to Human Decision Making

19. To what extent, conscience is a guide to ethical decision making? Discuss.

Conscience comes from the Latin word “conscientia” which stands for ‘privity of knowledge’ or ‘with knowledge’. It acts as moral guide to behaviour. Abraham Maslow states that conscience is a special action of mind which comes into force as the human intellect declares particular action as good or bad. Even on deontological aspects, conscience is more of an intellectual decision in context of a particular action. Conscience gives a practical judgement resting on morality of a past action or some future occurrence. However, there are some ethical concerns governing conscience. These are:

- If someone does not take enough care to ensure a correct conscience.
- If someone is forced to follow conscience despite the knowledge of the fact that it is false.
- If someone acts on doubtful conscience without overcoming the doubt.

Natural law many times stands juxtaposed to the civil laws defined by humans. e.g. abortion is legal in some nations like US although it does not justify natural law. Natural law in this case is promoted by pro-life activists who view abortion as a murder but looking at it from a larger perspective, it becomes necessary.

Conscience cannot always be seen as a dependable guide to make decisions as the presence of doubtful, erroneous and lax conscience can't be ruled out. In case of doubtful and erroneous conscience one is bound to make decisions which are suitable to self-implied beliefs and not in larger societal interests.

### Ethical Issues around Humanitarian Funding

20. Many nations of the world are grappling with strife and are in dire need of humanitarian assistance. What are the moral and ethical concerns around humanitarian findings? Discuss.

*“Humanitarian funding needs to be allocated on the basis of needs assessments in proportion to needs.”*

The number of affected people is increasing everyday due to civil war, extremism, climate change and population increase. As per OCHA-UN Office for the Coordination of Humanitarian Affairs, in 2016 approximately 13.5 million which includes 6 million children are in need of assistance. This has led to an apparent rise in number of challenges in provision of humanitarian aid to these populations of which funding has emerged as a primary hurdle. There are many ethical concerns which raise head where funding is concerned. These are as follows:

- Funding of affected populations should be free from all kinds of biases and prejudices. There should be no discrimination based on religion, race, ethnicity, language etc.
- There should be no underlying conditions for anyone to qualify for aid. All funds should be transferred without any inordinate delay.
- In places where humanitarian crisis stems from dictatorial and corrupt regimes, funds



received under humanitarian aid gets diverted to other non-essential purposes. The funding agencies should ensure accountability, transparency and implementation. Agencies should demand basic reforms in administration before funding and should customise aid for every case.

- Humanitarian aid has limited capacities which lead to prioritisation of affected populations. In such conditions emergency appeals are made to raise additional funds. Also, one should put the allocation in such chronic contexts under strict scrutiny as the populations might be over or underserved. Thus, budget for the long-term operations should be revised annually.
- Aid is generally allocated on the basis of both political grounds and need. Thus, underlying motivations usually obscure the purpose of interventions.

Thus, there are many ethical concerns involved in humanitarian aid which have to be overcome in time so that the aid reaches the right people at the right time.

### Conflict of Interest: OECD Guidelines

#### 21. What do you understand by Conflict of Interest? Discuss in the light of OECD guidelines for managing conflict of interest in public service

OECD defines 'conflict of interest' as a state *"when an individual or a corporation (either private or governmental) is in a position to exploit his or their own professional or official capacity in some way for personal or corporate benefit"*.

OECD gave explicit guidelines for managing any arising conflict of interest in public service to ensure that at no point in time the integrity of officials is compromised by personal interests of the public servants. This also gains relevance from the fact as new forms of partnerships between government and private individuals are emerging which have presented newer challenges to the policy-makers and public managers. Moreover, there is a growing expectation from an increasingly well-informed society and businesses of an unbiased and transparent public decision-making which is not guided by any kind of self-interest.

Effective management of conflict of interest is tedious as it requires a delicate balance by identification of risks, prohibition of unexplained private interests and largely generating an awareness of situations in which conflicts can arise.

#### Guidelines:

- Any private-capacity action should be avoided leading to an improper advantage from inside information which is not available to public.
- Public officials should refuse any improper gain in lieu of influencing performance of official duties.
- All public officials are expected to respect values like disinterestedness, impartiality and



integrity. They should always display close public scrutiny

- Any private interest and affiliation of public officials should be appropriately disclosed for enabling adequate control in time.
- Appropriate degree of openness and consistency should be ensured in managing of conflict-of-interest situation. In addition, scrutiny should be promoted to manage conflict-of-interest situations.
- Public officials should lead by example and accept responsibility for identifying and resolving conflict in favour of public interest if any conflict arises.
- Public organizations should also create an open culture and provide adequate policies, procedures and practices which encourage effective control and management of conflict-of-interest situations.

### Lodha Committee / Ethics in Cricket

**22. What is the significance of Lodha Committee Recommendations on improvement of cricket administration in the country? To what extent, these recommendations seek to resolve the administrative and ethical decisions. Examine.**

Indian Sports need a complete overhaul as many irregularities surfaced in the recent past especially the IPL Scam. Lodha Panel was a three-member committee headed by former CJI RM Lodha by SC. The primary objective of the Panel was to suggest reforms in the functioning of BCCI. Some of the drastic suggestions made by the Panel included keeping out all ministers and government officials from the cricket board; one-state-one-association policy to get the membership of BCCI and also a maximum limit on tenure and age of the members. The Panel further recommended that the Panel should come under the ambit of RTI Act so people have access to various activities of the body.

#### **Administration and Governance**

There have been many recommendations regarding the governance restructuring of the Board to make it more accountable. The members will share collective responsibility for all decisions so taken. It is a right step towards decentralisation. Furthermore, introduction of upper limit for tenure and age, setting up of an apex council and letting more cricket professionals to enter the Board are all steps which hold good for future of the Board.

#### **Transparency**

BCCI should be brought under the purview of RTI will help renew the trust of the public in the game especially after the interest has been marred by the recent match-fixing scam in IPL. The step will make the game more transparent to the public and encourage citizen participation. In addition, the disclosure of assets by all members will go a long way to check corruption.

#### **No Conflict of Interest**

Barring government employees and ministers will apparently minimise government interference and



rid the game of the roots of many issues which made news lately. Also, separating governing councils of BCCI and IPL will prove to be a game-changer. Legalising betting will be instrumental in unearthing the black money and snap all links with underworld.

The model can be put into practice for other sports as the guidelines by the Panel will fortify ethics in sports and minimise chances for corruption.

### Sports Ethics

**23. Although corruption is prevalent in almost all walks of life, corruption in ethics has its widespread impact for the society. Discuss critically.**

Sports are much more than just a game in every country. They are a common religion which unites people from all ethnicities and states without any discrimination. They imbibe a feeling of nationhood in the people as victory and defeat are felt equally by all. Sportsmen act as role models for the society. Fans have strong feelings for the teams and players. Youth and children usually draw inspiration from the players for many endeavours in life. Watching one's favourite team compete the rival team teaches not just the tips and tricks of the game but values like team-work, patience, determination, patriotism and self-control. Thus, the feelings associated with team and players go much beyond mere sport.

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- There is no second chance to a game, so one has to play with full integrity. Lot of public sentiment is attached to the outcome, so if the latter is pre-conceived it is the biggest deception a player can make to his country.
- Any act of corruption of duping reflects badly on the game and the player massively as players are seen as role models for the society. People may forget other forms and scale of corruption rampant in the society but can never overcome the agony caused by the feeling of a pre-fixed match.
- Unlike other professions, lot of public sentiment is involved. Moreover, the teams and players are the face of India in any tournament abroad. Any form of corruption will bring a bad name to the whole nation.
- Also, as the games are funded by the tax-payer money so there should be complete transparency in the system.

However, the increasing commercialisation has brought in many forms of attractions in sports. Players are tempted to focus on events which are more rewarding monetarily than on events of international importance. Integrity and honesty have to be reinforced at every step by the players so that public trust does not take a beating. {Kindly check backgrounder on National Sports Ethics Commission Bill, 2016 at the end of this module.}



### Globalization and Indian Values

**24. How Value Education, particularly teaching Indian values and ethos is important in the era of globalization?**

Globalisation has brought the whole world closer. It has made our societies more creative, prosperous but also more vulnerable. It has brought standardisation in processes, choices and consumption patterns. Although the phenomenon isn't bad, but it is the pace at which it is happening which is making all the difference to the system which is not able to adjust to the new possibilities of the growing interdependence and integration.

- Likewise, India is endowed with a rich culture and values. They are deeply imbibed in our ethos. The gradual influx of globalisation and westernisation has led to a dilution of these values to a great extent in young generation. Instead of seeking deeper understanding and knowledge of western ethos, youngsters are swayed by shine and openness of the new possibilities.
- Thus, it becomes imperative for families and teaching institutions to introduce westernisation and globalisation through proper channel in a systematic way. This will help the growing generations to understand the similarities and differences between Indian and western culture.

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Instead of desisting from teaching and exposing the children to westernisation and globalisation, it is the onus of families to assist their children to embrace the same to right extent and through proper channels. This will help children to imbibe the correct values and leave the ones which stand in stark contrast to Indian values.

### Ethical Governance

**25. What do you understand by Ethical Governance? What are the key principles to Ethical governance?**

Governance is an exercise of political, economic and administrative authority to carry on the affairs of the nation. It comprises intricate mechanisms, processes, relationships and institutions which help citizens and groups to express their interests, exercise their rights, obligations and even mediate their differences. Good governance requires high levels of integrity for overall socio-economic development. Furthermore, probity is ensured by effective laws, rules and regulations along with their fair implementation.

Ethical governance is thus based on the following principles:

- Honesty and integrity
- Impartiality
- Respect for the law



- Respect for persons
- Diligence
- Economic effectiveness
- Responsiveness
- Accountability

All these if properly followed at all levels of the organisation make it ethically strong. Furthermore, there should be audits at regular intervals to be able to pick up on irregularities. Strict and quick action should be taken against all involved to set an example for the rest of the employees. All decisions made by the organisation should satisfy the ethical benchmarks. This will ensure good governance holistically.

### Redressal of Public Grievances

#### 26. What are the various instruments of redressal of public grievances in India?

In India, it has been observed by many committees and commissions that special machinery should be set up to deal with public complaints against the administration. Various institutions exist to redress public grievances. For instance, a citizen can move the court to seek remedy against any wrong done to him by a public servant or a public agency in the course of discharge of public duty. This is called judicial remedy. Several kinds of administrative tribunals have been set up to provide cheap and speedy justice to the complainant.

The Income Tax Appellate Tribunal, Labour Tribunals etc. are instances of this type of institution. Secondly, Parliamentary procedure provides for opportunities to raise questions in Parliament by the elected representatives concerning their constituencies. Also, there is a Parliamentary Committee called the Committee on Petitions. A citizen may submit petitions to secure redress against an act of injustice. So, even though a distant body, Parliament or State Legislature can take up the cause of an aggrieved citizen.

Thirdly, under the provisions of the Public Servants (Enquiries) Act, departmental as well as public agencies can be instituted against a public servant for his misconduct. Not day-to-day dealing but more serious matter of maladministration come under the purview of this Act.

Fourthly, complaint forums have been set up at different levels to deal with public complaints. For example, in a public bus or in a railway station, there are complaint boxes to receive complaints from public.

Consumers' Fora are now available to deal with complaints against any supplier of goods and services such as telephone services.

Within large public organization such as Railways and Telecommunication etc., there are complaint



cells to deal with public complaints.

The government has also created Department of Administrative Reforms and Public Grievances. This is the nodal agency of the government for Administrative Reforms as well as redressal of public grievances.

The enactment of Administrative Tribunal Act 1985 opened a new chapter in the sphere of administering justice to the aggrieved government servant and in some cases public members.

### Steps Taken to Strengthen Ethical Values

**27. Discuss the measures taken so far to strengthen ethical values in governance. What measures would you suggest apart from these towards this direction?**

The first step to foster ethical values in governance was taken by the Department of Administrative Reforms of Government of India in 1997 which had laid down a Code of Ethics for public services. Latter earmarked Standards of Integrity and Conduct for public services. However, the Code did not come into effect. In 2006, it was the Department of Personnel which prepared a draft of Public Service Bill. The Bill brought up Fundamental values of Public Services, a Code of Ethics and a Management Code. The Bill met the same fate as the Code of Ethics. Likewise, in its 4<sup>th</sup> Report, the Second Administrative Reforms Commission covered ethical issues in public services, structural problems with current bureaucracy and to increase accountability in the same. It remains on the governmental efforts to make implementation possible.

Ethical practices in civil servants and other government officials can be fostered by following three basic principles:

- **Service:** All citizens have rights to various services of the government. All government officials should work with the sole aim of service to the public without any personal motive.
- **Accountability:** All official decisions should be transparent and must be backed by proper reasons. Public officials should be bold enough to stand up for their actions and make proper decisions.
- **Complaints:** There should be a highly effective complaints redressal mechanism. The lodging of complaints and their registration should both become highly effective. There should be proper monitoring and control of internal process so that the performance is never compromised.

In addition to above, it is advisable to have Charter for every department as they make detection of any flaw and wrong-doing easier, there should be proper review and action on customer feedback and plugging of all other loopholes.



### ADR and Rape

28. To what extent, a judge's decision to grant bail to a rape accused so that he can meet the victim for a possible "mediation" is ethical in your view? Do you agree / approve such judgements? Argue.

Alternative Dispute Resolution simply refers to any way to solve a legal problem without having to go to court. Arbitration and Mediation are two ways of ADRs used in legal arena.

Mediation is a dispute resolution method designed to help battling parties resolve their own dispute without going to court.

There are two visible benefits of any form of ADR- cost effectiveness and saving the time of the court.

However, Rape is not a minor issue and rapists must be thoroughly punished so that they do not set a legacy to simply get away after committing a rape. Therefore, in my purview, mediation is definitely not the right tool to be used in heinous crimes like rapes.

Some reason to this non-approval by me can be cited below:

1. Mediation is a process used wherein both the parties are willing to settle their issues. In the case of rape, there is sheer dominance exhibited by one of the party. Therefore, mediation is definitely not the solution.
2. The victim to a rape incident is in dire need of justice. Our legal system cannot turn its back the victims by giving them the toffee of mediation wherein justice is definitely denied to the in the appropriate manner. Mediation brings about compromise, and in incidents such as rape, compromise is definitely not the right solution.
3. Courts are custodian of justice to the victims as they use fair judicial procedure. Therefore, mediation in a rape like situation will not provide effective justice to the victim.
4. Mediation is considered as a sensible means of ending disputes or conflicts. Rape is no dispute or conflict. It is a dirty act done by the rapist wherein the victim is shattered. Therefore, mediation is again not the solution.
5. Consent for mediation may be taken by coercion

The rapist is rest assured that he can get away after committing a rape because he has the assurance of mediation. Therefore, there are possibilities of repetition of the crime by the rapist. In a courtroom setting, lawyers have many tools to get people to testify and produce evidence that are not available to mediators. {Based on [this news](#)}

### Medical Ethics

29. What are the major ethical issues related to Medical / public health emergencies? Do you see





some kind of ethical dilemma while addressing an emergency such as outbreak of Ebola or other such pandemics? Discuss.

Medical ethics is a system of moral principles that apply values and judgments to the practice of medicine. Values such as respect for persons, i.e., the patient form part of the values attached to medical ethics. Some of ethical issues associated with public health emergency {such as Ebola virus outbreak in recent times} are:

1. Treatment- Should the patient be treated first or the caretakers in the hospital? Who should get the first treatment?
2. Testing of the medicine- Test in the host country or any other country?
3. Implementation of the medicine without passing the clinical trial.
4. Should large scale production be done of such vaccines which have not met the approval?
5. Should fast-track trial and implementation of the vaccine be allowed due to the urgency of matter?
6. Can such fast track implementation act as guideline or precedent for adoption in other situations?

It can rightly be observed that there is ethical dilemma faced in such emergency like situations wherein lives need to be saved without compromising the essence of medical ethics.

### **Bribe Giver=Briber Taker?**

30. “A briber giver must be punished along with bribe taker.” Comment.

The act of bribe amounts to corruption. It is an illegal and an unethical act which is performed by both the parties for their selfish personal gains.

Bribe distorts the working of the market place. It gives the briber an unfair advantage, and the person not doing any bribing does not gain what he or she may rightfully deserve.

In the act of bribe taking and giving, there is loss of moral and human values, ethics, integrity and fair play.

Therefore, it is not only the bribe taker who is to be punished, it is also the bribe giver, because he is undertaking this activity for his personal gain.

We need therefore a stringent law to punish the bribe taker and giver in order to maintain equal grounds and ethics and integrity exist in the society.

### **Backgrounder: The National Sports Ethics Commission Bill, 2016**

In the first half of 2016, the National Sports Ethics Commission bill was introduced in Lok Sabha as a private member bill by MP and BCCI secretary Anurag Thakur. It was tabled seeking



to bring about legislative reform to help improve and uphold ethical practices and integrity of sports in India.

### **BACKGROUND**

#### **Need for sports ethics commission bill**

The integrity of sports in India is in crisis with a series of scandals and corrupt practices.

#### **Rise in unethical practices**

Match fixing, event manipulation, illegal betting, age fraud, doping and sexual harassment is reported every now and then and their presence has been increasingly felt not only nationally but also internationally. For instance, in 2015 alone 58 Indian weightlifters were found to be guilty of doping charges. As a matter of fact, Indian athletes regularly rank among the top 3 in the annual doping report released by the World Anti-Doping Agency's (WADA). It is not unusual to find the issue of age fraud in the popular sports like cricket and Badminton among others.

#### **Involvement of huge money**

Indian sports environment has seen a rise in activity in the recent years. This fact is evident from the following data:

- According to the estimates released by the American Appraisal, a Division of Duff & Phelps, the brand value of IPL was US\$3.5 billion in 2015. gktoday.in/upsc/ias-general-studies
- According to BCCI, the 2015 IPL season alone contributed Rs.1,150crore to the GDP of the country.
- Sports sponsorship in India is steadily increasing and was estimated to be Rs.5,185.4crore in 2015.
- The broadcast rights of IPL are currently valued at over Rs.900 crore, which is likely to double when the current rights deal expires.

#### **Increase in investment**

Of late, private investment in sports has been increasing. Proliferation of new private sports league is steady in every nook and corner of the country. These developments has brought forth the issue of participant-integrity to the forefront of legal discourse, and the need to uphold the public trust in authenticity of results.

#### **Unsuccessful prosecutions**

At present, there is no clear law to frame the sportspersons who indulge in unethical practices in a court of law. The sportspersons are currently charged under inappropriate sections of Dishonesty and Cheating under Indian Penal Code (IPC) as well as under the Prevention of Corruption Act in the courts. As a matter of fact, the players could dismantle the case against them as these laws are not effective to frame them. It is no wonder that Match-fixing is a victim less crime.

Mohammad Azharuddin, for instance, was served a life ban in December 2000. But he managed to



win the case against him in the Andhra Pradesh High Court in 2012. Although the Court did not pronounce that he was not guilty but it did declare that the life ban served to him as illegal. It came to this conclusion as the case against him was not properly framed and he was not given a proper hearing.

Similarly, S. Sreesanth was tried under the Maharashtra Control of Organised Crime Act, 1999 (the dreaded MCOCA) as there is no clear law under which he could be tried. The accused are tried under MCOCA on the basis that they have conspired with the underworld. As expected, nothing could be proved under MCOCA as Sreesanth was not a terrorist.

In this context, the new bill aims at creating a set of new criminal offences and penalties pertaining to participant-integrity in sports. It seeks to put in place a formal mechanism for adjudication of sports disputes through the establishment of a national commission.

### Earlier attempts

Although, the *Prevention of Dishonesty in Sports Bill* was prepared as early as 2001, nothing substantial could be achieved.

The *National Sports Development Code of India, 2011* required national sports federations to satisfy certain conditions in order to receive government funding and recognition. The conditions required the federations to establish mechanisms to comply with anti-sexual harassment laws, administer anti-doping procedures, check age fraud etc. However, the main drawback of this code was that the alleged offences had neither legislative status nor punishments..

The *Draft National Sports Development Bill, 2013* ("National Sports Development Bill 2013") aimed to improve the governance structures of all national sports federations. It also addressed the issue of sports ethics. It had provisions limiting the age and tenure for office bearers. It also aimed to ensure transparency in the functioning of sports federations. It mandated all of the national sports federations to put in place and enforce a Code of Ethics for their sport. In addition, it also had proposals to establish an ethics commission to enforce the Codes of Ethics. However, the bill could not make any progress and was abandoned later.

*Dishonest Practice in Sporting Event (Prevention) Bill, 2013* was drafted by Law Ministry after the IPL 2013 spot fixing incident. The Draft Bill proposed to create "sporting fraud" as a special category of offence.

*Lodha Committee* was appointed by the Supreme Court to address the issue of match fixing which is seen as the most prominent integrity issue. The recommendations are expected to alter not only the governance of cricket but also other sports in India

From the above attempts it can be held that in the past, the law that would punish the guilty was



largely ignored. The countries like Britain have stringent laws which imprisoned the guilty, whereas India is yet to pass a similar bill. In this context, the National Sports Ethics Commission Bill introduced by Anurag Thakur in the Lok Sabha has assumed importance.

### Salient Features

#### National Sports Ethics Commission

The bill proposes to set up *National Sports Ethics Commission* consisting of judges and eminent sportspersons to frame guidelines and rules for ensuring ethical practices in sports bodies. The Commission is to be constituted of six members appointed by the Central Government. Out of which at least four members appointed should invariably be the Judges of the Supreme Court or a High Court, and they have to be appointed in consultation with the Chief Justice of India or his nominee.

#### Ethics committee and codes of ethics for sports federations

The new bill requires each sports federation to constitute an internal Ethics Committee of members having a maximum term of four years and ineligible for re-election. Also, each sports federation is mandated to frame a Code of Ethics as per the guidelines established by the National Commission.

#### Powers of national commission

The National Commission has been empowered further. For instance, it can order the sports federations to reframe Code of Ethics if it is not in consonance with the proposed Act. Also, the civil jurisdiction of the national commission has also been increased. It can now hear and adjudicate civil matters related to sports federations. All the civil cases in which sport federations are party and are pending adjudication before any court other than Supreme and High Court will be transferred to the National Commission.

#### Other salient features

- The bill proposes to award stringent punishment to those sportspersons indulging in match fixing. It has recommended a life ban along with 10 years of jail term and a fine of 5 times the bribe amount received by the sportsperson.
- It has created a new offence of 'Sports Fraud'. The offence of sexual harassment, match-fixing, doping, age/gender fraud, failure to comply with national commission's directions will invite penalties and punishments.
- The bill recommends a jail term of 6 months along with a fine of Rs 1 lakh for those persons indulging in fraud of age or gender.
- The bill proposes to shift sports from State list to the concurrent list to ensure uniformity throughout the country.
- National Sports Ethics Commission Bill is a version of two important bills (*Draft National*



*Sports Development Bill* and the *Prevention of Sports Fraud Bill*) piloted by Justice Mukul Mudgal. Justice Mukul Mudgal studied elaborately the system existing in 22 countries and had proposed to set up an ethics commission and punishment for those who violated. The biggest opposition to his proposals came from the BCCI which wanted to safeguard its opacity and lack of accountability then.

- The bill has also proclaimed, striving towards elimination of doping practices, match fixing and fair play, fraud of age, gender and sexual harassment of women in sports as one of its objectives.

### Drawbacks

#### Jurisdiction

The bill is not clear whether the jurisdiction is based on a sports event being held in India? Or will it also include sports events held outside of the country? It is widely felt that the acts committed outside the country also need to be considered.

#### Unclear definitions

The bill has defined 'sports person' as 'a person who participates in sports'. Similarly, the definition of sports federation and references to international federations rather than national and state federations has created confusion and ambiguity in many issues especially in those associated with jurisdiction. An overbroad approach followed in the bill may not stand up to scrutiny, especially with respect to criminal offences. Further clarity is needed to ascertain the applicability of the various terms of the Bill.

#### Adjudication of offences

The new Bill has come up with a number of new criminal offences, with penalties and punishments including life bans, fines and even incarceration. But the bill did not offer safeguards or powers of a criminal court to the National Commission. So it is unclear who will try some of these offences and what role National Commission will play in adjudicating these offences.

#### Substance of offences

Many people have questioned whether some of the proposed offences are appropriate for criminalization. The absence of defences is also a matter of concern. In this respect, science, ethics and jurisprudence have to play a role to determine of offences. Also, they need to suggest appropriate defences for each of the listed violations.

### Obstacles

The proposals in the bill such as limit on the number of terms, the retirement age of office bearers as 70 and various other provisions are likely to affect the interests of politicians and businessmen alike as it is likely to threaten their power, privileges and prestige. Most of them have large stakes in sports due to the incentive of funds, visibility and free publicity offered by the sports. Similarly,



sports associations are also likely to oppose.

### **What is the way forward?**

The National Sports Ethics Commission bill is a step in a right direction as it proposes to curb unethical practices in sports. Having said that it is essential to clearly demarcate the areas of authority especially where doping or age-fraud is concerned as the bill proposes to punish also the coaches and officials in case of violation. In the first instance, the bill's jurisdiction can be limited to international, national and state-level events. Then, once a culture of compliance has been created, it can be extended to include more local events such as inter-district, inter-school and inter-collegiate competitions.

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