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***“Unanswered Questions of Ethics,
Morality and Law(EML) in
Contemporary Public
Administration” Why Law Alone is
Not Enough to Deliver Governance ?***

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“Unanswered Questions of Ethics, Morality and Law(EML) in Contemporary Public Administration” Why Law Alone is Not Enough to Deliver Governance ?

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Abstract:

Public Administration is always questioned and is also derailed at the intersections of ethics, morality and law. Even though the discipline has travelled a long distance from a mere instrumental law and order machinery to a critical policy platform, these questions remained unanswered in the ever expanding bureaucracy. The boundaries are so fuzzy and overlapping that one can be legal without being ethical and ethical without being legal. This has turned an average administrator to become more self-serving and casual in dealing with principles of legal ethics and moral principles. The subject of ethics has been taught in both the foundational courses of all administrative training colleges but the approach has been routine, instrumental and based in rationality of logistics. The society has grown faster than the administrative machinery which at many times stares blank on its close encounters with issues of law and ethics. Administrators have broken the steel frame of impersonality and neutrality on a push of personal morality to encounter darker periods of corruption and compromised integrity, more appropriately a period which has filled personal coffers through the use of

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legal procedures. A combination of ministers, money and media has derailed ethics, morality and law. This paper attempts to de-segregate the three rubrics within which modern day administration functions and suggests that in the implementation of executive decisions, law alone is not enough. One ought to develop a coherent framework to train administrators how policy decisions should better be embedded in legal ethics and moral principles of human existence. Unless there is an orderly normative discourse and cogent logic to sustain the indispensability of law with morality and ethics, it would be difficult to ensure enforcement and good governance.

Keywords:

Niti and Niyama, intersubjective intelligibility, pale criminality, community resilience

Law is Not Enough:

A plethora of laws in managing environment or a repetitive strengthening of laws for preventing sexual misconduct or rape has neither prevented environmental disasters nor made our women any safer respectively. An average citizen has learnt to accept many situations of an unethical conduct of state authorities such as a traffic cop seeking bribes or a shopkeeper overpricing goods before the season of discounts or relatively underpaid woman labourer. It is simply juvenile to accept that a rich would not steal or a poor would not share his morsel of bread. The world of ethics and morality simply transcends the black letter law and exposes many myths which judges and lawyers live with and apply in their many judgements in the courtroom. If it wasn't so then the world wouldn't have had to pass through the trauma and torture of historical barbarism, racial discrimination, ethnic cleansing, apartheid and imperialism.

The last three decades of Indian political life has witnessed colossal impunity to law which has been gradually seeping into the institutions of public life and then destroying the very fabric of Indian society. Nature is reacting to land grab, to undeterred mining, to deforestation, to destruction of rivers and dirtying of oceans. An increasing frequency and magnitude of recurrent disasters in the periphery of India is a wakeup call for governments against their environmental misconduct. Ethical principles are ignored if the other party is speechless and lacks capacity to encounter. Ironically, environment has been misunderstood as 'speechless' and therefore been harmed and drilled beyond its carrying capacity. The country's judiciary itself suffers from a severe lack of ethics and its circumventing and dilly dallying seen in many judgements itself creates a major governance deficit within which an untrained or corrupt minded decision maker can use for one's own motives. As an example, one can go through the defiance of Coastal Zone Regulations². The dawdling of decisions at the administrative levels have also demonstrated more nepotism and greed rather than

²Singh (2016) 'Justice A V Ramakrishna Pillai, who ordered demolition of DLF construction around Chilavannoor Backwaters in Ernakulam, (but another)division bench of Kerala High Court comprising Justice Thottathil B Radhakrishnan and Justice Babu Mathew P Joseph passed the order granting a three months stay on an appeal filed by the DLF (*Deccan Chronicle* 2014) against the single bench order and granted a three-month stay to demolish DLF apartment complex for violating the CRZ notifications.' The apartments are since occupied and no demolition taken place. P.73. and Singh (2016) 'Inconsistent judicial interpretations can be demonstrated to swirl around three pillars: the CRZ land use restrictions, public trust doctrine and the irresponsible and unaccountable governance institutions. In the CRZ land use restrictions judges have sought various definitions for defining coasts and land use diversions. At times, courts have diverted the onus of decision-making to the Coastal Zone Management Act (CZMA) (*PA Fazal Gafoor v State of Kerala Special Leave to Appeal (Civil)* 2003) and in some cases have allowed CRZ violation (*Goa Foundation v Diksha Holdings Pvt Ltd* 2001)'p.72

rich ethics and personal morality³. Some senior administrators who could agree to sharing their experience on ethics in public services found that the in-service training does a lot of unlearning in young officers as they find their seniors quite different than what they had expected them to be. Dr. Nivedita P.Haran⁴, the former Additional Chief Secretary of Kerala lamented, 'After having selected our administrators, and not just the elite IAS, but the lower and middle level too, how do we handle them? The majority inductees come in with fallacious ideas on their role and responsibilities, get exposed to some of the worst 'role models' in their initial years and then end up as hard-core pessimists or willing non-performers or worse still fiendishly corruptible'.

There are volumes of laws and judgements of the Central Services (Conduct) Rules 1964, The All India Services (Conduct) Rules 1968, further amended in 2014, which have emphasized high ethical standards, integrity and honesty of public conduct. Concerned⁵ with falling standards of public services which eventually led to severe dents in global business ethics and public investments for development through international grant and funding organizations, even the United Nations

³A number of decisions taken at the level of district magistrate for the conservation of protection of water channels, implementing Community Service centres or managing public hospitals defy ethics even they may pass the test of law. A research team on child trafficking led by Dr. Sunita Reddy (June 2018) JNU admitted that 'stringent laws like POCSO or Sexual Harassment at workplace Act cannot deter individuals from committing an offence, what is required is socialization and value based education to treat individuals as equal across genders'.

⁴During her Keynote address to NAPSIPAG research meeting in Doiwala (Dehradun) 22nd June, 2012.

⁵Concerned about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law.....Concerned also about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money- laundering, (pg.1-2)

passed a Resolution 58/4 on the 31st of October 2003. The Resolution said, “ Each party shall promote, inter alia, integrity, honesty and responsibility among its public officials in accordance with the fundamental principles of its legal system”.

A spate of unprecedented disasters this year in the Western Ghats suggest that even if we have laws such as the CRZ 1991, the silence of trees, animals and the clueless population is treated as if ‘no one’s watching’. The governments overlook with ease the indispensability about the conservation of fragile ecology and ecosystems surrounding all waterbodies such as rivers, creeks, lagoons, estuaries, coral reefs, mangroves, swamps and backwaters. In a lust for greed, money and power lobbies, warning reports prepared by experienced environmental scientists like Madhav Gadgil and K Kasturirangan on the Western Ghats were rejected with impunity⁶ but on top of it a panel of experts which was appointed by the Chief Minister to protect the interests of farmers went overboard to recommend the dropping of an important Act which protected biodiversity and ecology of Kerala, “The committee recommended that the Kerala (Vesting and Management of Ecologically Fragile) Land

⁶ The Kerala Government under Oommen Chandy had appointed a Committee of experts in 2013 to review the Kasturirangan report which had put 123 Kerala Villages in ecologically sensitive areas (ESA) having serious environmental regulations. This was done despite the fact that this report was already a much diluted version of the previous Madhav Gadgil Report. The Idukki and Wayanad districts were especially demarcated as most vulnerable in the report yet the Oommen report appeased the rubber and plantation farmers to gain against local ecology. The Panel of experts to the committee also reflects a clear conflict of interest with P.C. Cyriac, former chairman of the Rubber Board, Chairman of the Kerala State Biodiversity Board, V.N. Rajasekharan Pillai, Executive Vice-Chairman of the Kerala State Council for Science, Technology and Environment and Oommen V. Oommen, Chairman of the Kerala State Biodiversity Board.

Act of 2003 be dropped as it had already served its purpose and hence lost its relevance. No more land should be acquired under the EFL Act.” So what is the relevance of laws if they are handled by unethical and the corrupt.

Nature watches which power brokers ignore. These moments when the corrupt feels ‘no one’s watching’ the high magnitude disasters silently get embossed on the destiny of that region. The decision maker may find a temporary escape from a calamity but law should be strong enough to incorporate the silence of nature not as its weakness but a discipline of tolerance and co-existence.

To understand the thin thread which binds morality, ethics and law, one should visit the domain of ancient Indian literature which provides ideas in abundance on the overarching epistemology from where these terms have emerged. It also clarifies how these words are embedded in and are determined by culture.

What Ancient Indian thought suggests on Ethics, Morality and Law (EML)?

Public administration has a befitting experience with EML in its historical evolution. In Mahabharata the Krishna-Arjuna unmatched conversation on ‘What is ethical in a battlefield?’ to Dharmashastra’s⁷ Niti and Niyama is closest to ethics and morals respectively in which the former is the right conduct based upon principles while the latter is moral rules which indicate right action through subjective personal experience. The Hindu lexicon of ‘Dharma’ established right conduct which goes beyond mere lenses of ‘niti’ and ‘niyama’.

⁷Dharmashastra (c. 600 B.C.—c. 200 A.D.) is constituted of Sutras and Smritis ie; Gautama Sutra, Apastamba Sutra, Vasishtha Sutra, Laws of Manu, Vishnu Smriti

The ancient law books referred to as the books of moral duties such as the 'Dharma Shastras' have innumerable discourses on the nature of governance and the right conduct of administrators. Some of the most read of them such as Manusmriti⁸, Yajnavalkya Smriti, the Naradasmṛiti and the Visnṛiti are also the most misunderstood ancient writings. The list also includes The Dharma Sutras such as The Gautama Sutras, The Apastamba Sutras, The Vashishta Dharma Sutras, The Baudhayana Sutras, The Srauta Sutras, The Smṛta Sutras etc. The Puranas strived to narrate the embeddedness of the principles of morality and ethics into law. The Panchatantras and its English equivalence in Aesop's Fables were simply lessons in public morality on loyalty, trust, sycophancy, acquisition, resource sharing and leadership. In essence, the Indian heritage emphasized a notion of ethics in public life as a 'design to conquer self'⁹. The primary objective was a clean political life and inclusive governance.

Public Administration was central to all these discourses with a mission of societal survival against anarchy, bestiality and destruction. The righteousness of administrative conduct as laid in the Vedas has been the source of all Smritis, Sutras and Puranas. With an extremely high diversity and complexity of Hindu society and its dialectical evolution through the philosophy of 'Karma', did lead to certain references which simply cannot be understood by their stand-alone segmented interpretations based in caste. The righteousness of public conduct is at no point distanced from ethics and morality which act as feeder points for laws in a particular society.

⁸Manu emphasized a rule bound ruler, "Within his realm, the king should act in accordance with the rules....when a king is addicted to vices stemming from pleasure, he is cut off from law and wealth, but when he is addicted to those arising from wrath, he is cut off from his very life." *Code of Manu*, Ch. VII,32,46.

⁹ 'One may conquer in battle a thousand times a thousand men, yet he is the best of conquerors who conquers himself.' *Dhammapada*, VIII,4.

Most of these texts are valiantly critical and hateful of caste based titles of 'Brahmanas' for the legitimate award of this title is through enormous learning, understanding and practice of knowledge, ethics and morality. For example the two quotes from Vashishtha Chapter III which is identical to Manu XII,(114) castigate a Brahmana who tries to obtain this title simply on the basis of caste and not knowledge, vice versa, by obtaining this required knowledge sans the caste one could be a Brahmana.

'The king shall punish that village where Brahmanas, unobservant of their sacred duties and ignorant of the Veda, subsist by begging; for it feeds robbers.'

OR

'Many thousands (of Brahmanas) cannot form a (legal) assembly (for declaring the sacred law), if they have not fulfilled their sacred duties, are unacquainted with the Veda, and subsist only by the name of their caste.'

Similarly, another quote indicates the need of knowledge be treated superior to mere title of 'Brahmana' or its equivalent to an animal that too the one who is not real. It suggests that even an animal is superior to a Brahmana who does not have the knowledge of niti and niyama

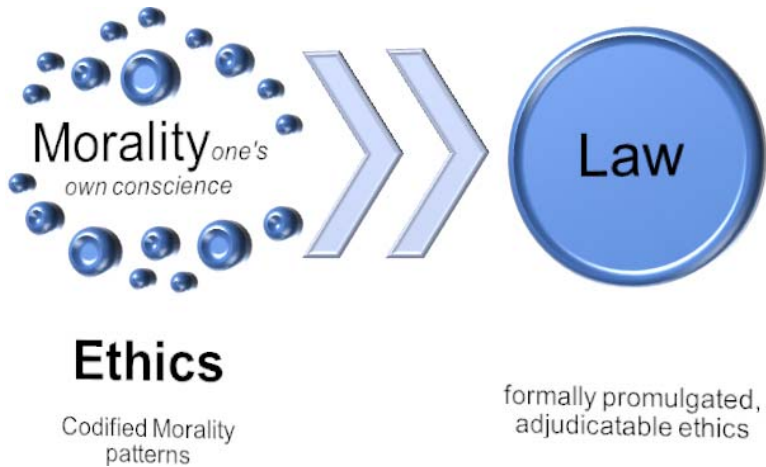
An elephant made of wood, an antelope made of leather, and a Brahmana ignorant of the Veda, those three have nothing but the name (of their kind)¹⁰.

Even though the objective of this paper is not to study caste and gender discrimination or social segregation as treated in ancient Indian texts, it nevertheless makes a strong point that if one discounts the wider understanding as given in these

¹⁰ Buhler, George, tr. Vasishtha Dharmasastra.

ancient texts on strategies of accountability, performance standards and governance parameters in public administration one would commit an irreparable mistake of giving away this ancient Indian epochal knowledge to foreign scholars who may interpret these with their own cultural lenses. For a holistic absorption of any knowledge, one ought to have a mind free of suspicion, fear or arrogance. Those who continue to notice only one segment of an idea in ancient texts are being unethical if not immoral or un-lawful. Law alone is not enough, it ought to be laced with right conduct of the decision maker which is embedded in a soil of ethics and morality. This is being treated here to demonstrate how the three terms have great relevance to the governing of India where democracy has stooped so low from its noble past to a level which is similar to the Athenian democracy described by Plato in words, 'where donkeys march on roads with flags claiming themselves to be perfect democrats'. In substance, ethical and moral people tend to behave responsibly even without law and those who are neither of these will always find a way around the laws. Therefore, law alone is not enough for achieving good governance, one has to emphasize like in ancient texts a strong motivational learning for inculcating ethics and morality in governance.

Fig 1 ;Evolution of Law from Scattered Moralityand Codes of Ethics.



EML in Modern Public Administration:

Modern public administration has been largely influenced with an aspiration to design a normative framework of law within which incorruptibility and integrity of administrators could be sustained. The initial debate on 'inefficiency', 'exploitation', 'unjust' or 'apathetic' administration which was carried forward in the narratives of development administration gave way to more critical analysis on the behavioural choices, state obligations and individual inclinations. This develops into a finding that law is a transaction of three minimum participants i.e; person with interest protected by norm, person whose conduct is in question and third person who mediates or interprets the norm to enforce a judgment. This makes law 'a public activity...a social process that depends for its intelligibility on the existence of persons who are not participants in the

underlying transaction’ (Hazard, p.450)¹¹ Thus law formalizes a few thresholds of ethics ie; first, impartial judges who are unconnected to the transaction, second, is a reclamation of Weber for his predicament on ‘written rules’ which remain disconnected and impersonal across many situations and judges. Hazard (p.450) refers to it as ‘intersubjective intelligibility’ or a rule written by one person can be understood by another. All transactions across the institutions in a country and outside the country are linked through this ‘intersubjective intelligibility’. However, law is to be enforced by administration and if administrators consistently fail to enforce laws it is a violation of a norm of legality. John Stuart Mill draws limits to the implementation of law in the ‘harm principle’ or the morality of state action in restricting freedom of a citizen on grounds that it harms other citizens¹². This is a well established principle of legal morality and can help analyse the morality of administrative action in implementing anti-smoking or pollution laws.

Many laws just never get implemented such as laws on prohibition, unauthorized construction, gender discrimination in wage policy, conservation of forests and coastal zones and on disaster mitigation. Implementation may be more expensive than the benefits, it may misfire to bigger riots or disturbance in the city or that administrators find themselves in the midst of what Freudian conceptualization refers to as

¹¹Hazard (1995) “Law, Morals and Ethics”,

¹²That the only purpose for which power can rightfully be exercised over any member of a civilised community against his will is to prevent harm to others. His own good, whether physical or moral, is not a sufficient warrant. (Mill 1993, ch. 1, para 9)

'Pale Criminality'¹³ which incites crime 'because of', rather than 'in spite of', its forbidden status.(Scheffler 1992,pp.70-71)

Much of state action on penalties, imprisonment, coercion, arrest, custodial treatment and detention may be better factored in administrative agencies on some moral grounds emerging out of existing theoretical formulations. Individual autonomy has legitimate limits yet state agencies are expected to promote conditions in which opportunities for all individuals could be used with equity and justice. Therefore the morality of law and legal compliance has more to do with external conditions mainly a legal duty of administrative agencies.

It is on these many grounds that law differentiates from morality. Morality is one's very personal subjective understanding of what is right and wrong. The universe may be interpreted differently by different individuals and specifically own a cultural fixation. Therefore it doesn't have to emerge out of a transaction. The views on morality may also sometime appear myopic and localized such as animal sacrifice, vegetarianism and worshipping spirits. Many of these may not formally be included in laws, are not enforceable and remain confined to a universe of obscurity. Ludwig Wittgenstein in his *Philosophical Investigations* (Anscombe trans. 1958)explains that 'Our subjective conceptions of right and wrong not only are indecipherable from without, but they are evanescent from within'. The publication of G.E. Moore's *Principia Ethica*, published in 1903 has been one of the most influential work on the moral

¹³Freud introduces 'pale criminality' (p.333) as a concept to explain persistent crime which enforcement agencies may repeatedly fail to prevent. He investigates using his psychoanalytical tools to study unconscious thoughts internalised to influence human rationality and irrationality in one's acts. He mentioned '*a principle of unconscious 'phantasy', the mental thinking and activity which is unique for those who have sense of guilt and drives to commit crime and desire for a punishment. However, they got relieved by acting out*'.

philosophy of the 20th century and has influenced many contemporary philosophers like Bertrand Russell (*Is there an Absolute Good?* 1922)and H.A.Prichard(*Does Moral Philosophy Rest on a Mistake?*1912). For all these philosophers, morality presented a fuzziness of action as it cannot be defined nor can it be ignored. So administrative action ought to possess moral grounds of action nonetheless a legitimate justification of action as well. Every constitution grants 'discretionary authority' of law making to authorities in which they can best use their judgments to attend to a situation with the best possible reasonable and just solutions. The district administrators, Police authorities,Chief Justice of the Hon'ble Supreme Court, Governors and the President are often facing situations in which discretion is used which is an allocated power to act according to one's judgment especially in urgent cases or apprehended danger as under Sec.144,Cr. P.C. Therefore this discretionary power despite being a voice of one's conscience can nevertheless be destructive of freedom too¹⁴. Indian Courts have limited the use of discretion in many cases¹⁵ when it suggests that an administrative action is subject to review at the stage of conferment of discretionary powers and at the stage of exercising discretion in accordance with and subject to Art.14 and Art.16. Law and morality would irresistibly stand against each other but rarely together as Kautilya'sArthashastra¹⁶ (200BC text) to the realist Bertrand Russell(1922) authors have admitted that morality is enlightened self-interest, expediency and utilitarian selection of choices.

¹⁴*Justice Douglas in U.S. v Wunderlich* 342 US 98,101 (1951)

¹⁵J.R. Raghupathy, Etc vs State Of A.P. &Ors. Etc on 28 July, 1988, AIR 1681, 1988 SCR Supl. (1) 694. Satwant Singh vs. Asst. Passport Officer AIR 1976 SC1836. Maharashtra v.KamalS.Durgule (1985) 1 SCC 234, AIR 1985 SC 119

¹⁶translated by Roger Boesche (2002) *The First Great Political Realist: Kautilya and his Arthashastra*, Lanham: Lexington Books

In between a formalism of law and personalism of morals are “ethics”(Hazard 1995,453).¹⁷The point here is that no court or legal control can ensure morality of administrative action and can at best only provide a closest approximation to it. The ‘moral human being’ would still be needed for appropriateness of law and governance. In such a situation ethics has a bigger role to play since it is between two parties alone and the ‘codes’ replace the presence of the third party or the ‘judge’.

How to reclaim lost grounds for EML?

Its high time that we bring ethics out of its sophisticated weaved frame of Philosophy within which it is taught. One could think of introducing this subject in schools & colleges so that this very important course curriculum on Morals & Ethics is not missed out. Some good experiments across the neighbouring Asian family nations may be revisited below.

A Bangladeshi scholar Prof Syed Ali Ashraf¹⁸ who was a Professor of English at the Cambridge University introduced a 3 credit course on Morals & Ethics at the undergraduate & postgraduate levels for all Programs at the Darul Ihsan University in Bangladesh of which he was the founding VC. This tradition was carried further by Prof. Md. Akbaruddin Ahmad who was the next incumbent to the Chair. He reports that students, parents & guest faculty members from other universities were very pleased to spend time in learning &

¹⁷“Laws” and “morals” are thus at opposite ends of the normative spectrum in terms of form, mutual intelligibility and as mechanism of personal and social action.(Hazard 1995,453)

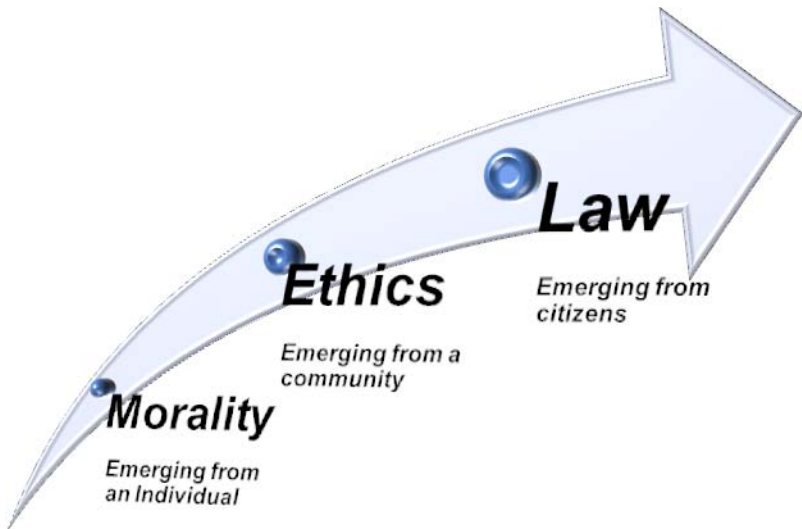
¹⁸Information shared by Prof. Md. Akbaruddin during NAPSIPAG Academic Exchange Programme at Dhaka in Dec. 2014.

teaching at this University mainly because of its exceptional harmonious and safe atmosphere. Faculty members for this 3 credit course were drawn from a distinguished panel of renowned experts who could do justice to this subject. The concept of Morals & Ethics were drilled into the young minds of the under graduates and later the post graduates. The impact was huge.

Another young scholar Dr.ManikaKamthan, during her data collection in 2016-17 in Punjab and Uttar Pradesh was aghast with falling ethics even in villages which are still considered as lands of relatively better innocence.This affects the nature of local governance which is actually the real face of government since that is the first court of appeal for all citizens. The scholar found a way out to initiate a dialogue on ethics with those who didn't even consider that as of relevance. She put a cost to the transactions they make in their day to day life which included cost of transparency, honesty and courage besides reason to be fair into every activity such as obtaining old records, seeking an interview, group focused participatory meetings, purchase and selling of their home based products etc. and on this many locals as well as officials started thinking of abstaining from rent seeking. Whatever happened is not known but the fact that such a dialogue is important is unavoidable.

There have been many scholars who wished to remain anonymous due to their official positions, suggested several innovations on how the discourse on EML could be more open, reach homes, classrooms and government training schools.

Fig 2;
From Wavering Innocence to Precision and Fidelity



Ethics is reciprocity and mutual respect and for this reason it originates from a community, a neighbourhood or a professionally connected network. The mutuality and reciprocal admission of a threshold of eloquence through customary or habitual usage is a characteristic of ethics as different from morality. Kant's categorical imperative (Pelegriinis 1980) attempts to explain the motives of action to overcome subjective moral explanations. Thus, he starts analysing the truth of moral actions. The first formulation of which is that morality should not be tied to particularity or what exists in ancient Hindu texts of Maha Upanishad philosophy as 'VasudhaivaKutumbakam' (the world is one family). Max Weber (1st pub.1922, trans. 1978) brought this

down to a more implementable rule of 'impersonality' where an administrator is cautioned against attachment to particularities of nepotism in any form. He further explains the need for individual autonomy and for truly achieving this state, each subject should be self-legislated.

In an explanation of ethics one cannot ignore the discourse ethics of Habermas (Nielson 1990). Habermas, identifies communication as a creator of a community of mutuality in which everyone understands the perspectives and interpretations of others. He transcends Kant's categorical imperative from its 'monological existence' to a normative claim of everyone who would be affected by a particular moral action. He creates, what he calls 'discourse ethics' the basis of which is cognitivism or an ability to collectively resolve a moral problem. Ethics according to Habermas is culturally, historically and socially mediated to collectively achieve a 'good life'. The transcendence of moral principles to ethical codes is sentimentally described in Henry G. Bugbee's (1974) *Loneliness, Solitude and the Twofold Way in which Concern Seems to be Claimed*". In a moral world all subjects live in their own subjective lonesome counties. The drive for collective action brings them together in a community activity, religious ceremony, social work, relief giving during disasters or patriotism. An administrator who is authoritarian or does not involve communities in participatory governance may end up dislocating moral principles, create alienation and rebelliousness. However, participatory governance may pool individual experience of morality into collective action and subsequently sustainable codes of ethical principles. Democratic systems have given rise to a universally acceptable Code of Ethics which has been able to achieve where law

becomes impossible to implement. The four fundamental principles of Ethics (Beauchamp T. Childress J., 2001)

which are generally adopted in professional research and procedural activities are;

- Respect for autonomy (self-legislation on moral principles)
- Non maleficence, (no harm)
- Beneficence, (not benefitting through particularities)
- Justice. (sharing and caring)

The whole concept of justice begins from the concept of self, as we perceive and then further justifications on why we are expected to share, learn, respect, be sensitive and have compassion for all above class, caste, race, nation and species. This one principle sets the ball rolling on why the varieties of moral dilemmas affect perceptions on justice. For a systemic least harm regulatory system a code of ethics is designed but as we have seen in many examples given above in the paper, this is defied with impunity by those in power and subsequently the third principle of beneficence is also dropped with casualness. So, what is the way out?

Some questions continue to plague this discourse and the way out appears more complicated than a simple adherence to a law however unjust it may be. These questions can be answered under three main rubrics of relationship of ethics and morality with law;

1. What do we expect from public administration? Every citizen's day to day life revolves around institutions which provide basic services like water, electricity, food

supplies, transportation etc. Law thereafter becomes a tool in the processes of governance.

2. Why even New Public Management has failed to deliver services to the last mile? Is it finances, intention, capacity or EML?
3. What can be done to reinstate and reclaim EML in public administration?

Answers are not easily available yet a few suggestions are given below which would ask for a transformation in public institutions;

1. The schools and undergraduate colleges should have a compulsory paper on ethics and morality.
2. Administrative training institutes should have a tough practice oriented discourse driven courses on the subject.
3. Judges are not above society and should therefore be given a month long leave to undertake at least one training course in an administrative school on the subject.
4. To enter a legislature, it should be mandatory for Members to undertake a month long training on the subject.
5. This discourse should be emphasized at the level of district and panchayat institutions which stay close to vulnerable communities and land management.

Conclusion:

It is important to indulge in a normative discourse on law enforcement and morality of administrative institutions and administrators. In times of waning systems of ethics and personal corruptibility being accepted as a norm of policy structures and politics, one needs to recognize the difference between law, morals and ethics. Even though a 'community' is accepted as a world wide reality of any policy enforcement and administrators and governments are instructed to achieve and build community resilience, in reality the global phenomenon is weakening communities and implanting professionals who are transient settlers to earn and move out. This community which is an immense source of synergy is now turning into a fragmented colony of self-seeking individuals within which it is most difficult to implement laws without an understanding of morality and ethics. An administrator is no more a politically neutral person even if s/he wishes to be despite his oath of political neutrality, impartiality and impersonality. This problem is becoming more intense in a world divided deeply by ideologies, rising terrorism, localism and an increasing use of computational intelligence machines replacing human beings in decision making. Ethical dilemmas are only going to increase and create more intricate and pressing problems against the implementation and compliance to law. Before law becomes an empty rhetoric deprived of ethics and morality, a quick look at the above suggestions may help reclaim some of the lost ground for public administration.

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