

Ethics in Nepalese Civil Services Sector: How does it matter?

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Abstract

The objective of this paper is to highlight moral crises arising out of its fast devaluation that has affected almost every section of the society including bureaucracy.

Nepalese civil services sector has increasingly become dysfunctional, fragmented, poorly organized, and incapable of performing at a level acceptable to the public. In recent years, Nepalese civil service has become too much politicized which has contributed to the promotion of unethical practices in civil service. As a result, moral & ethical values in civil services are in the state of deterioration, causing services delivery to suffer.

Genuine concerns of law-biding citizens are consistently ignored, rules and regulations are constantly by-passed, ethics and morality have become a thing of past. Civil servants and higher government officers were unable to create an impression among the public that they are there to serve. A rapid deterioration in their ethics has made it difficult to generate in them the feeling of serving the public interest, demonstrating personal integrity, promoting ethical work environment, and striving for professional excellence.

The author argues that to address this situation, what is needed is a civil service characterized by honesty, knowledge, skills, better performance and above all one that respects ethical value. It is necessary to restore the feelings that to be a member of bureaucracy is an honor and that it must continue to do all that is needed to help promote this image. He maintains that ethical issues in Nepalese civil services are and will remain important for improving service delivery.

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Introduction

The objective of this paper is two fold:

First, to highlight moral crises arising out of its fast devaluation that has affected almost every section of the society, thereby threatening the value and merit democracy stands for and which the Nepalese so dearly hold, and

Secondly, to advance some suggestions that can be implemented without any radical change in the existing system. Nor do this call for a significant increment in the level of investment for their implementation.

Ethics is defined as the rules or standards governing the conduct of a person or the members of a profession. It is the collection of the moral values, principle, and standards that provide guidelines or framework for action, depicting how public servants should act and behave.

Ethics shape and define the nature of public professions and it applies to all the professions including the field of public administration. Higher ethical standard and practices is critical in administering work to gain public trust. Public official, who works directly with citizens for providing services and those that deal with revenue and other financial matters, must possess higher ethical standard. They need to be held accountable for any departure from the established ethical practice.

Ethics in public administration is determined, among others, by the changing political scenario, the way market and civil society are functioning, and attitude and response of the general people towards public officials. General people demand higher standards of ethics, transparency and accountability in the public sector. These prerequisite values of good governance and sustainable development not only buttress responsive public policy and high levels of public sector performance but also play a crucial role in preventing the onset of systemic corruption. Corruption impedes economic development, undermines stability and erodes trust in public institutions. The pernicious effect of lack of ethics among public officials is borne severely by those who are least able to do so: the poor. This is sad but true.

Status of public ethics

This importance of ethics in the bureaucracy has been demonstrated by government agencies through the display of notice board informing the service

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seekers the amount of time that will be required to complete the work, the required fees, and the name and position of the authorities that are responsible for discharging duties, putting in place complaints boxes and so on. A recent attempt towards this direction was made by the Ministry of Finance which is committed to launch a campaign to promote respect of general people towards the officials involved in revenue administration.

These are timely measures when one considers critical challenges of moral lapses in public bureaucracy. Nepalese civil services sector has become increasingly dysfunctional, fragmented, badly organized, and incapable of performing at a level acceptable to the public due to deteriorating morals and ethical value and poor performance of delivering services. Anecdotal evidences suggest that the administration is dysfunctional because there still is no clear-cut division of responsibility and authority in many ministries. It is fragmented because within the Ministry positions for multi executive heads were created thereby leading to crises of mutual trust, and lack of collaborative environment. Agencies are created, disbanded, and amalgamated without any study being done to clearly establish their logic. It is also poorly organized because there is still no effective succession planning, no effective grievance handling mechanism and rapid turn over of the top officials, creating a situation where there is no continuity of the responsibility and the work with the result that no one can be held responsible for the under performance of the development agencies. Public officials, though trained and experienced, are less than willing to put in their utmost efforts to meet the institutional goals. Some of the reasons are:

Firstly, the political crisis is apparently the major cause for the proliferation of the ethical crises, further reinforced by economic causes. The two crises are no doubt mutually reinforcing. The rapid deterioration of economic conditions experienced by most people since the last decade has further encouraged public office holders, both politicians and administrators, to seek and obtain rewards in exchange for their services and has weakened their aversion and moral abhorrence to such practices.

Secondly, the public service ethics is eroding with an increase in the incidence of unethical practices and lack of accountability. This has seemingly continued even at a greater measure in recent years. Disturbing trends of doing business in public bureaucracy and in serving public has emerged as one of growing concerns in Nepal's study of civil service administration. The rapid erosion of the value of ethics is evident from the center to all the regions and district administrations.

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There are several institutional and regulatory arrangements in place to maintain ethics and prevent corruption such as Commission for the Investigation Abuse of Authority, and National Vigilance Center. Their presence does not seem to have led to the decline of unethical behaviors in the civil service. These institutions often lacked the resources both financial and human, public visibility, impartiality and public support that are critical for their success.

Thirdly, the prevailing political and policy environment is not sufficiently conducive for the control of unethical practices in administration. The codes of conduct for the civil servants, the prevailing laws, and other disciplinary action and so on have failed because of these reasons.

Fourthly, there are wider frustrations and disappointment than ever before among law-abiding citizens who are unable to receive public services as expected without giving something of value to get things done. People have garnered much hope to see Nepal march ahead towards prosperous and democratic New Nepal but they are experiencing raising frustrations as moral, ethic, and credentials of public servants have sharply declined. All forms of mal- practices, corruptions, and poor ethical behaviors of public servants seemed to be on the rise and have increasingly become rampant.

Fifthly, there is now more pressure, directly or indirectly, from a budding civil society as well as from public for enforcement of ethical standards and the punishment to the violators,

Finally, Nepal suffers from crises of confidence among the top rank of bureaucrats all the way down to the lower level along with the crises of ethics at all levels of bureaucracy.

The obvious negative impact of all these trends manifests itself in many forms - the low productivity of bureaucracy; the low responsiveness, legitimacy, and transparency of the government; the ineffective implementation of policies; and inadequate efforts to accelerate development. All these dictate that concerted action by all concerned must be taken to prevent Nepal from becoming an ideal breeding ground for further unethical practices. Given this backdrop, the government recognizes, and rightly so, the need of “guaranteeing rule of law, smoothening service delivery, and establishing a transparent and effective administrative mechanism” (MOF, 2008, b).

Some major features of Nepalese bureaucracy

No doubt, democracy is today's need and so are the credentials and ethical practices of public servant when rendering public services, to make democracy sustainable. Nepal does not have vast natural endowments or adequate human resources to meet its development needs. Nepal is one of the poorest nations in the world and with it, the civil service sector is characterized by the decline in morale and ethical values among its members.

Serving citizens well is a challenging task. It involves deep commitments, strong work ethics, and thorough understanding of core value of serving people. To be able to serve public well, one also needs good credentials. Public servants and the government officials need to work and act in the best interest of the citizens. Nevertheless, there are certain characteristics that are inherent in Nepalese bureaucracy that need to be looked at critically.

Firstly, because transfer and appointment to higher positions in the civil service has been and is still very much influenced by patronage and political factors, the loyalties, commitment and actions of public officials are often guided and shaped by their primordial loyalties rather than the requirements of impartial professionalism.

Secondly, the Nepal civil service is characterized by a culture of impunity. Rules and regulations that are related to the maintenance and promotion of code of conduct or ethics are largely inadequate or that these are weak in their implementation. For instance, under the prevailing law, civil servants are required to file a regular asset disclosure form. However, this provision is largely ineffective as the monitoring authority, the National Vigilance Center, has not been able to effectively monitor these disclosures due to the inadequate governing rules and regulations and take action (Corruption Control Act 2002, Section 50). Likewise, a civil servant is subject to restrictions on the gifts. But this is rarely followed as the institutional support mechanism for implementing laws governing gifts and hospitality is either weak or ineffective. There are no legal restrictions on the civil servants entering the private sector or working with the donor agencies immediately after leaving the government. To what extent the non-observance of the later exists and does constitute a violation of code of conduct has rarely been raised for public debate. The Global Integrity Index for 2007 puts Nepal's rating as weak (60 out of 100) (See Annex II).

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Thirdly, the Nepalese higher-ranking government officials are not easily accessible to public nor do they harbor deeper feelings that they are there to serve people rather than for anything else. The law requires that in discharging duties in his/her office, a civil employee must treat all in a decent manner. The civil employee must bear the responsibilities, which may arise according to his/her office and post and perform works in an impartial, fair, efficient, and prompt manner (Civil Service Act, 1993 and subsequent amendments). The civil employees must accord decent treatment to the stakeholders related with his/her works.

Likewise, the existing legal provision requires that a clear information, *inter alia*, on the matters and process related to the work of the stakeholders and the time required to perform the work must be given to the stakeholders in due time. Although most often emphasized while in talks and speeches by the top bureaucrats or by the political leaders that they are there to provide services to the people, a majority of citizens hardly finds this convincing. People still complain that the public officials have failed to make themselves reachable to a large sections of the society. Lack of understanding or unwillingness to accept the fact that government officials are the servants of citizens is undoubtedly a breathing ground for all kinds of mal- practices that one finds in Nepalese civil services, to-day.

Fourthly, the pursuit of unethical means arises also from the fact that the civil service system is subjected to the undue political pressure. The fact is that too much intervention of political parties in every aspect of administration has deeply affected the morality of public servants. “Political neutrality” is virtually absent in the public sector. The impartiality of administrators in political issues is one of the core values that every public servant needs to keep in mind. (Overeem, 2005). Public servants need to remain away from influences from political philosophy of the Political Parties while contributing services: “Political neutrality is a doctrine requiring that public servants engage in activities in an impartial manner” (Kernagham, 1986). Appointment, promotion, or even transfer needs to be based on merit rather than on party affiliation. Engaging in non-partisan political activities is indispensable to execute public services fairly. While undertaking transfer activities, the civil servants need to be encouraged to spell out their career goals and the convergence of the goals of individuals and that of the public institutions is expected to help the civil servants to work with enthusiasm – something that needs to be considered and promoted.

Fifthly, the bureaucracy lacks ethical leadership and the environment to promote such a leadership. Competent public servants seek to do their work to meet public expectation professionally. However, allowing them to do their best depends upon the management, ethical work environment without any influence arising from conflicts of interest of any kind - whether political or perk, and above all upon bureaucratic leadership. Bureaucrats “must practice not only the skills developed from their professional training, but also they must exercise leadership over others” (Linda and Shoaf, 2008). “A public service ethic implies more than just ethical behavior on the job; it also entails a dedication to the public interest and a commitment to mission accomplishment” observes Pfiffner (1999). In this context, mention can be made of types of leadership styles that are found in recent related literature on the subject. It has been observed that there are two general classes of leadership: transactional and transformational (Bass and Avolio, 1994). Transactional leadership “results in an isolationist culture where self-interest is prevalent” while transformational leadership “contributes to a thriving environment where success is sustainable”. The former is based on “contingent rewards and management by exception, motivates followers to achieve the goals, and focuses on bottom-line results” (Den Hartog, *et. al.* 1997; Gini, 1998; Odom and Green, 2003; Wren, 1998, quoted by Sama and Shoaf, 2008). Transformational leadership, on the other hand, is “based on vision, trust-building, core values, continuous learning, and long-term sustainability” (Den Hartog, *et. al.* 1997; Gini, 1998; Odom and Green, 2003; Wren, 1998, quoted by Sama and Shoaf, 2008). Hence, in order to ensure honesty, trust, and legitimacy, what is needed is “the ethical leadership that embodies moral intelligence and creates moral community through shared values, reciprocity, integrity, transparency, and consistent adherence to principles” (Linda and Shoaf, 2008). This is possible only in transformational leadership. This leadership style needs to be increasingly injected into the administrative culture in Nepal.

Current concerns

Firstly, the government recognizes that Nepal is suffering from “a big uncertainty and fragility” (MOF, 2008, a), corruption and very weak situation of service delivery. It wishes that every activity of the civil service should be guided by what the government says, “Civil Service for the Public” (MOF, 2008, a). This can be, and needs to be viewed against the perception of the general people that majority of public servants from higher echelons down to the lower level are found to have been using unethical methods to fulfill their interest and these have made the lives of all law-abiding people difficult and painful. The Civil Service Act and Regulation lay down in detail code of conduct (Annex I) for the civil

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servants but the lack of its strict adherence has minimal effect on curbing unethical practices in civil services.

Secondly, the effectiveness of service delivery of the civil servants is far less than what is expected of it. This is by far a widely held opinion. Presumably, it is against this general feeling of the people that the Budget of 2008-09 underlines the need to enhance the effectiveness of the service delivery of civil service, as quoted in the following paragraph. The emphasis on employees' code of conduct is well placed.

*“To enhance the effectiveness of the service delivery of civil service, effective implementation of **employees' code of conduct**, simplification of the working system , modification on work performance evaluation guidelines, grievance handling and service recipients' satisfactory survey will be conducted”(MOF , 2008, a).*

There is a linkage between the erosion of ethical values and the rise in corruption or its continuation at a greater scale. Corruption of any kind in the workplace undermines sound governance and ethical behavior. “Ethical conduct and corruption in the public sector are the two sides of the one coin,” comments Whitton (2001). To continue with his statement a little further, he observes that to the extent that an organization succeeds in enhancing its own ethical climate both internally, and externally, for example, by including suppliers and contractors within the scope of an ethics program, it reduces the acceptability of corruption. Conversely, controlling opportunities for corruption would make room for ethical practices to emerge.

The continuation of corruption and at a greater scale has made it more challenging than ever before to make civil service “accountable to the public, capable, fair, and transparent according to the federal system” (MOF,2008, a). The government commits itself to give the sense of good governance to the public, rule of law and corruption control. Identifying the sensitive agencies, and areas from the corruption control perspective, the government aims at strengthening all corruption control agencies (MOF, 2008, a). However, if reports and news items published in local papers are of any indication, it can be fairly generalized that neither these agencies have become strong enough to undertake the job that they are supposed to do nor is there any indication that a decline has occurred in the magnitude of corruption. The government agencies

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themselves are found to be involved in violating rule of law. The culture of impunity continues to rein.

Transparency and accountability are terms that are yet to take deeper root in the Nepal Civil Service. Fully understanding the value of transparency and accountability of one's action is different from putting these into practice. Government arrears is accounted to reach the level of Rs. 26.4 billion (around 20 % of total expenditure of the government) in fiscal year 2007/08, reports the Office of the Auditor General. (e-kanitpur. com, Jan. 18, 2008). Public Accounts Committee (PAC) under the Legislature-Parliament does not seem to be able to influence in terms of bringing down the level of such irregularities. The Office of Auditor General points out further that there is difficulty in collecting the arrears as a mechanism that would implement the Public Accounts Committee decision has not been formed yet. Foreign aid is also reported to suffer from the lack of transparency and barely reflected in the government "Red Book". The Auditor –General suggests to making the Office of the Auditor General independent in order to make foreign aid more transparent. In sum, a wider realization among public servants responsible for meeting public expectation and the cost and consequences that are involved from the failure to meet such expectations need to be there for them to become more accountable for their action at all the time (Henderson,2004).

The bureaucratic machinery needs to be able to address law-abiding citizen's genuine concerns. Failure to do so will lead to a decline in people's trust and confidence in government, apart from political instability that these invite, which has been the characteristic feature of Nepalese polity over the years. Loosing public trust and confidence in government is also the direct result of mal-practice and poor performance of public officials. Nepal is now heading towards the direction where genuine concerns of law-abiding citizens are consistently ignored, rules and regulations are constantly by-passed, ethics and morality have become a thing of past.

The other side of the story is that that the public servants have been prevented to discharge their duties because of undue pressure from the groups considered having links with the political outfits. The bureaucrats are also found to be constantly harassed and openly humiliated. Hooliganism continues unabated. There are examples where civil servants were killed, threatened, and physically intimidated for performing their duties and for refusing to comply with the illegal demands. All these have deeply affected their morale. Collusion between those

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who demand and those who submit tender documents is rampant and has grown to a scale that the government found it necessary to include it in the budget speech of the fiscal year 2008-09. The most disturbing fact is that such activities have penetrated deeply into every aspect of political, social, and economic life and presumably largely under the protection of politicians and leaders in the government.

The choice of the political party in government is to appoint its party cadres to the different government positions despite that they are ill equipped to do the job as they have no experience, training, and skills at the expense of those who are best qualified, trained, experienced, and skilled.

The task ahead

The Federal government, which Nepal is trying to establish currently, need not rely on the same set of measures that were implemented in the past any longer. Trends such as overemphasis on downsizing, a growing labor force in the labor market, and a continuous exodus of the young abroad in search of employment are growing phenomena, which are becoming serious issues. Also, a growing number of retirees from the public service has been accompanied by the inability of the institutions to attract new talent to the administration. The failure to create necessary experience, knowledge and skills among the young employees, and above all the wide erosion of ethical values in government and in society demand a more dynamic, innovative and persuasive measures to be in place in order to meet the objectives of New Nepal. This calls for reprioritizing present programs in favor of building up of the ethical values and reallocation of investment resources along these programs, based on a long-term policy and programs for civil service reform.

In addition, it will be helpful for Nepal to build up and publish regularly how far it has achieved in terms of attaining the goal of good governance. Setting more stringent ethical standards, their pursuance and documenting cases of their violation could feature as one of the central elements of such a status report on good governance. The report needs to include, among others, the following, which has been emphasized elsewhere by Whitton (2001):

- 1) An examination of the current status of ethics in the bureaucracy.
- 2) An anticipation of systemic threats that could weaken adherence to core public sector ethics, values, and commitment to good governance, and the preparation of the necessary political and management responses;

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- 3) Measures to strengthen the ethical competence of civil servants, and develop an 'ethical culture', which supports professional responsibility, self-discipline, and support for the rule of law;
- 4) Measures to develop administrative practices and processes to promote ethical values and integrity: This involves effective implementation of the ethical values, as set out in Civil Service Codes of Conducts and in other documents.

These measures need to be supported by the implementation of the following strategies, in cases where these exist and building new ones, where these do not exist:

- effective laws which require civil servants to give reasons for their official decisions,
- management approaches which encourage all public officials and civil servants to deal positively with corruption and unethical practice when they encounter it.
- 'whistleblower' protection law to protect appropriate 'public interest disclosures' of wrongdoing by officials;
- ethics audits to identify risks to the integrity of the most important processes (for example financial management, tendering, recruitment and promotion, dismissal and discipline);
- reaffirmation of Human Resource Management strategies that emphasize merit based promotion and recruitment, anti-discrimination protections;
- training in and development of rationale of Ethics Codes, the application of ethical management principles, the proper use of official power, and the requirements of professional responsibility. This is one of the areas that the Nepal Administrative Staff College training programs need to look into, and
- effective external and internal complaint and redress procedures

The above principles and strategies have been largely relevant in the case of Nepal as well.

Further, allowing international agencies such as Transparency International, Global Report Initiative (GRI) and such corruption watchdog organizations to assess objectively Nepalese civil service sector to oversee corruption and unethical practices in a bid to improve public servant's performance would be helpful to safeguard democracy and the rule of law. The government needs to

show a zero tolerance in practice to bribery, fraud, extortion, and favoritism based on the results of such assessments.

Conclusion

To conclude, what is really needed is the accomplishment of developmental goals in an economical, efficient, and effective manner. This is where the bureaucracy has an instrumental role to play. The bureaucrats' incentive to do an outstanding job can be enhanced and maximized by the hope that can be created in their mind for future career advancement (Piffner, 1999).

The practice of appointing officials in higher positions, both in bureaucracy and political positions including those of the Secretariat of the President and the Prime Minister and other Ministers need to be under serious scrutiny with regard to their ethical behavior prior to their appointment. An ethical transgression by the civil servants, particularly at the higher echelon of the administration is evident and this needs to be viewed as a serious offence liable for dismissal, suspension, or disciplinary actions. This is to be considered as unworthy for the public trust.

Such measures will eventually create an environment for effective and inspirational ethical leadership to emerge and will help correct the growing and widely held public perception of these occupants as wholly untrustworthy. This in itself could have a long-term impact in the society in terms of creating a new, independent, prosperous, and people-oriented Nepal that recognizes good governance as one of its strategic policy.

For these reasons, I believe that civil services reforms should be geared towards generating regard for ethical values. The civil services need to generate utmost feeling of serving the public interest, respecting the constitution and the law, demonstrating personal integrity, promoting ethical work environment and striving for professional excellence (ASPA, 1994).

A civil service has to be characterized by honesty, knowledge, skills, and better performance. All these qualities will help restore the feeling that to be a member of bureaucracy is an honor and that one must continue to do all that will help promote this image. Ethical issues in Nepalese civil services always remain important and matters for Nepalese bureaucracy.

References

- 1) ASPA (1994), *ASPA Mission Statement and Code of Ethics*, ASPA, Washington, DC.
- 2) Bass B. M. and B. J. Avolio (1994) *Improving Organizational Effectiveness Through Transformational Leadership*, Sage, Thousand Oaks, CA.
- 3) Gini, A.: 1998 “ Work, Identity and Self: How We are Formed by the Work we do” *Journal of Business Ethics*, 17 (4), 707 -714.
- 4) Global Integrity Report (2007), info@globalintegrity.org.
- 5) Kernaghan, K. (1986). Political Rights and Political Neutrality: Finding the Balance Point. *Canadian Public Administration*, 29,639-652.
- 6) Henderson, Keith M.(2004). Characterizing American public Administration: The concepts of administrative culture. *The International Journal of Public Sector*. Vol. 17, Iss. 2/3; page 234. ABI/INFORM Complete.
- 7) Odom, L. and M. T. Green: 2003, “Law and the Ethics of Transformational Leadership” *Leadership and Organizational Development Journal*, 24 ,1/20, 62-69.
- 8) Ministry of Finance, Government of Nepal (2008, a), *Budget Speech of Fiscal year 2008-09*, Kathmandu.
- 9) Ministry of Finance, Government of Nepal (2008, b) , *Economic Survey, 2007-08*, Kathmandu.
- 10) Ministry of Law and Justice (1993) *Civil Service Act, 1993 and subsequent amendments*, Kathmandu.
- 11) Overeem, Patrick. (2005)*The Value of the Dichotomy: Politics, Administration, and the Political Neutrality of Administrators. Administrative Theory & Practices*. Hayward: Jun 2005. vol. 27, Iss.2; pg.311.

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- 12) Pfiffner, James P. (1999) "The Public Service Ethic in the New Public Personnel Systems" in *Public Personnel Management*, Washington: Winter, 1999. Vol. 28, Iss.4, p. 541. 15pp.
13. Sama, Linda M., and Victoria Shoaf (2008) "Ethical Leadership for the Professions: Fostering a Moral Community", *Journal of Business Ethics*, 78: 39-46, USA.
14. Whitton, Howard (2001) "Implementing Effective Ethics Standards in Government and the Civil Service", <http://www.oecd.org/dataoecd/62/57/35521740.pdf>.
15. Wren, T : 1998, James Madison and the Ethics of Transformational Leadership" in J. Ciulla (ed.) *Ethics: The Heart of Leadership* Praeger, Westport, CT.

Annex 1

Some major features of the Code of Conduct for the civil servants as provided in Civil Service Act, 1993 (along with subsequent amendments)

Discipline and obedience:

- (1) A civil employee must remain in discipline and perform his/her duties with honesty and readiness.
- (2) A civil employee must expeditiously carry out any orders given by his/her superior officer on matters relating to governmental business.
- (3) A civil employee must show due respect to all the employees superior to him/her and treat his/her subordinate employees properly.
- (4) A civil employee who remains absent in his/her office without having a leave sanctioned may be subjected to the marking as non-attendant (*Gayal*) and salary deduction as well as departmental action. The period of such non-attendance shall not be computed in the service period.
- (5) No office-bearer shall allow a civil employee who remains absent for a period exceeding ninety consecutive days to attend the office, by marking him/her as non-attendant. Departmental action shall be taken against the office-bearer who so allows office attendance; and the salary and allowances, as well, received by the employee who has been so allowed to attend the office shall be realized from the office-bearer who has so allowed office attendance as governmental dues.

Restriction on using political or undue influence:

No civil employee shall, with intention to satisfy his/her personal interests on matters relating to his/her service exert or attempt to exert any political or other undue influence over any other civil employee.

Restriction on taking part in politics:

No civil employee shall take part in politics.

Restriction on criticizing Government:

- (1) No civil employee shall, on his/her real or pseudo name or anonymity, publish any feature article, provide any news to the press, broadcast a speech through radio or television etc., make any public speech or

publish any statement in such a manner as to be contrary to the policies of the Government or to undermine the mutual relationship between the Government and the people or the relationship with any foreign country.

- (2) Notwithstanding anything contained in sub-section (1), it shall not bar the publishing or broadcasting of any feature article in such a manner as not to be contrary to the prevailing law and the policies of the Government.

Restriction on publishing news relating to governmental business:

No civil employee shall, without being authorized by the Government, provide or divulge, directly or indirectly, to any other unauthorized employee or non-governmental person or press any confidential matter, which was known to him/her in the course of performing the governmental duty, or any matter prohibited by law or any document or news written or collected by him/her. This restriction shall also be applicable to a person who has been relieved of the government service for any reason whatsoever.

Restriction on receiving gift, present, donation etc. and borrowing:

- (1) No civil employee shall, without prior approval of the Government, accept a gift, donation, present or gratification of any kind either by him/herself or through any member of his/her family, or ask for donation or borrow any loan from any person concerned with any government business, in such a manner as to affect the government business in any manner.
- (2) If any civil employee happens to receive any present from any foreign government or any representative of such foreign government, he/she must inform the Government about it and shall act accordingly as sanctioned.

Restriction on establishing and operating company and carrying on trade or profession:

- (1) No civil employee shall, without prior approval of the Government, carry out the following acts:
 - (a) To participate in the establishment, registration or operation of any bank or company,
 - (b) To carry on any trade or profession requiring registration according to the prevailing laws,

(c) To accept any kind of employment elsewhere.

(2) Notwithstanding anything contained in sub-section (1), a civil employee may carry out any literary, scientific, or artistic works in a manner not to be contrary to the policies of the Government.

Restriction on taking part in election:

No civil employee shall take part in an election to any political post nor shall solicit vote

for anyone nor shall exercise influence of any kind in the election.

Provided, however,

that this shall not bar the exercise of his/her right to vote conferred under the prevailing

laws, without revealing whom he/she has voted or intends to vote for.

Restriction on agitation and strike:

No civil employee shall perform an agitation, participate in a strike or entice anyone to perform such acts in a manner to undermine the sovereignty and integrity of the country, the law and order situation of the country, external relations and public decency, make contempt of court, create hatred among the peoples of various castes, tribes, religions, classes, regions and communities or aid and abet any crime.

Restriction on staging strike, detention and Gherao:

No civil employee shall stage any strike or pen-down action and exert any pressure inflicting physical or mental suffering or entice other persons to commit such acts in a manner to cause hindrance or obstruction to any office or officer in the performance of the duties required by law.

Restriction on making representation:

No civil employee shall make representation on behalf of any person or group, except for making petition to the concerned body or official either by him/herself or through his/her attorney in respect of any grievance caused to him/her.

Professional organization of civil employees:

(1) The civil employees may form an organization as prescribed in accordance with their respective professional diversity.

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- (2) The organization formed pursuant to sub-section (1) may make its suggestions to the government from time to time.
- (3) No civil employee shall get any kind of concession or exemption by virtue of his/her being an office-bearer of the organization as referred to in sub-section (1).
- (4) There shall be no other organization of the civil employees except the organization to be registered under this Section

Statement of property:

Each civil employee must submit a statement of his/her property.

Prohibition on torture:

- (1) No civil employee shall subject any one to torture.
- (2) No civil employee shall commit sexual abuse.

Other conduct:

- (1) In discharging duties in his/her office, a civil employee must treat all in a decent manner.
- (2) The civil employee must bear the responsibilities, which may arise according to his/her office and post and perform works in an impartial, fair, efficient, and prompt manner.

Treatment to stakeholders:

- (1) The civil employee must accord decent treatment to the stakeholders related with his/her works.
- (2) A clear information, *inter alia*, on the matters and process related with the work of the stakeholders and the time required to perform the work must be given to the stakeholders in due time.

To keep conduct compatible with own service and post:

Each civil employee must also keep his/her conduct compatible with his/her service and post.

Annex II: Nepal: Integrity Indicators Scorecard

Overall Score: 60 - Weak out of hundred

Categories	Area	Marks	Description
Category I	Civil Society, Public Information and Media	69	Weak
I-1	Civil Society Organizations	88	Strong
I-2	Media	84	Strong
I-3	Public Access to Information	34	Very Weak
Category II	Elections	53	Very Weak
II-1	Voting & Citizen Participation	56	Very Weak
II-2	Election Integrity	77	Moderate
II-3	Political Financing	27	Very Weak
Category III	Government Accountability	56	Very Weak
III-1	Executive Accountability	55	Very Weak
III-2	Legislative Accountability	47	Very Weak
III-3	Judicial Accountability	53	Very Weak
III-4	Budget Processes	70	Weak
Category IV	Administration and Civil Service	55	Very Weak
IV-1	Civil Service Regulations	49	Very Weak

Ethics in Nepalese Civil Services Sector: How does it matter?

IV-2	Whistle-blowing Measures	48	Very Weak
IV-3	Procurement	70	Moderate
IV-4	Privatization	54	Very Weak
Category V	Oversight and Regulation	64	Weak
V-1	National Ombudsman	78	Moderate
V-2	Supreme Audit Institution	80	Moderate
V-3	Taxes and Customs	83	Strong
V-4	State-Owned Enterprises	57	Very Weak
V-5	Business Licensing and Regulation	25	Very Weak
Category VI	Anti-Corruption and Rule of Law	62	Weak
VI-1	Anti-Corruption Law	56	Very Weak
VI-2	Anti-Corruption Agency	77	Moderate
VI-3	Rule of Law	65	Weak
VI-4	Law Enforcement	52	Very Weak

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