

WRAP Exams · wrapexams.com

Prelims PYQ, Mains model answers, and copy evaluation. Write to the desk for this paper, a doubt, or the AI waitlist.

ask@wrapexams.com · +91 85951 84903 · wrapexams.com

Q4

(a) Distinguish between laws and rules. Discuss the role of ethics in formulating them (b) A positive attitude is considered to be an essential characteristic of a civil servant who is often required to function under extreme stress. What contributes to a positive attitude in a person?

UPSC Civil Services Mains 2020 · GS IV · 10 marks · Attitude

Attitude: content, structure, function; its influence and relation with thought and behaviour; moral and political attitudes; social influence and persuasion.

Core demand of the question

- (a) Distinguish between laws and rules. Discuss the role of ethics in formulating them
- (b) A positive attitude is considered to be an essential characteristic of a civil servant who is often required to function under extreme stress. What contributes to a positive attitude in a person?

Revision summary

Laws are general norms from the Constitution or legislature; rules are usually subordinate procedure under a parent Act.

Rules cannot lawfully eat the Act; ethics forbids hiding policy in fine print that the poor cannot meet.

Drafting ethics is equality, consultation, non-retrospectivity of pain, and proportionate means.

Positive attitude under stress is realistic, duty-centred energy, not denial.

It grows from character, EI, drills, team support and institutions that do not punish honesty.

Introduction

A republic lives in statutes and in the fine print beneath them. Part (a) asks how laws differ from rules, and why ethics must sit in the drafting room. Part (b) asks what actually builds the positive attitude a stressed officer needs.

Body**(a) Laws versus rules, and ethics in formulating them**

- Law, in the working sense of this paper, is a general binding norm made by a competent legislature (or by the Constitution itself): an Act of Parliament or a State legislature, with the force of the sovereign behind it.
- **Rules are typically subordinate legislation:** they are made by the executive under a parent Act, to specify procedure, forms, fees, timelines and operational detail. Notifications, regulations and bye-laws sit in the same family.
- **Distinction of source:** law traces to the elected legislature and, for constitutional law, to the constituent power. Rules trace to a delegated clause - "the Central Government may make

rules."

- **Distinction of generality:** a law states the right, the offence, the tax, the institution. A rule says how to apply, in which form, by which date.
- **Distinction of hierarchy:** a rule that contradicts the parent Act or the Constitution is ultra vires. The Act itself can still be struck down for constitutional vice, but it is not a mere circular.
- **Distinction of change:** amending an Act needs the House. Amending a rule is faster, which is efficient and also a temptation to smuggle policy past debate.
- **Ethics in formulating laws:** public reason, least harm, equality before law (Article 14), non-arbitrariness, and special care for those who cannot lobby - the child, the undertrial, the forest dweller.
- A criminal law that is vague, or that is born as revenge against a community, fails ethics at birth even if the division bell rings.
- **Retrospective penal law is constitutionally suspect and ethically worse:** it punishes a person who could not have known the duty.
- **Consultation:** white papers, standing committees, and hearing those who will be policed, not only those who will profit.
- **Ethics in formulating rules:** fidelity to the parent purpose; simplicity so the poor can comply; no hidden discretion that becomes a tout's shop; and no rule that effectively repeals a welfare Act by impossible documents.
- Example: a beneficial pension Act paired with a rule that demands a fifty-year-old certificate the tehsil never issued is unethical drafting.
- Example: a tax Act that is clear, with rules that close a known evasion without humiliating a small trader, is ethics as craft.
- **Transparency:** pre-publication of draft rules, a real window for comment, and a statement of objects that is not fiction.
- **The drafter's ethic:** write as if you will one day face the person the clause will hit, and as if a court will ask whether the means were proportionate.

(b) What contributes to a positive attitude under stress

- Positive attitude here is not cheerfulness as theatre. It is a stable orientation that the task is still doable, that citizens are still owed a service, and that the self is not the centre of the disaster.
- **Contributors - inner:** a purpose larger than the ACR; integrity so that stress is about the flood, not about a hidden bribe; and self-awareness that names fear before it becomes rage.
- **Contributors - cognitive:** realistic optimism - the problem is hard and a next lawful step exists. Denial is not positivity; neither is catastrophising that freezes the camp.
- **Contributors - bodily and skill:** sleep where possible, food, a trained drill for the first hour of a riot or a pandemic, so that attitude has a procedure to sit on.
- **Contributors - social:** a team that tells the truth, a family or friendship that is not a second workplace, and a senior who backs a lawful decision instead of leaking blame.
- **Contributors - institutional:** clear law, a usable control room, leave after a disaster posting, counselling, and an organisation that does not humiliate the messenger.
- Emotional intelligence (self-regulation, empathy) converts stress into attention to the weakest person in the queue rather than into a shout at a clerk.
- **Values that feed it:** seva as duty, not as brand; temperance; and humour that does not mock the victim.

- **Training and example:** LBSNAA and district attachments that include night disaster work; a Collector who still thanks the constable at dawn.
- **What does not contribute:** toxic positivity that forbids bad news; substances; and cynicism that calls every citizen a fraud. Those are stress postures, not strength.
- **Under extreme stress the positive attitude is a public resource:** it keeps the ration moving and the FIR honest. It is built long before the siren, in character, craft and a fair institution.

Flow diagram

Law / Act -> Rights offences institutions
 Rules -> Procedure and forms
 Rules -> Must fit parent Act
 Ethics in drafting -> Equality least harm clarity
 Positive attitude -> Purpose and integrity
 Positive attitude -> Drills and team
 Positive attitude -> Fair institution

Conclusion

Laws bind as the people's general will; rules bind as delegated detail and must stay faithful to that will. Ethics belongs in both drafting rooms: fairness, clarity, least harm. A civil servant's positive attitude under stress is built from purpose, integrity, realistic hope, skill, team and a just organisation - not from a pasted smile.

Facts & figures

Article 13 and delegated legislation

Subordinate instruments must conform to the Constitution; courts strike down rules that exceed the parent Act or fundamental rights.

General Clauses and rule-making sections

Most modern Acts contain an explicit power to make rules; that power is administrative, not a second Parliament.

Pre-legislative consultation policy

Union practice (unevenly followed) of publishing drafts; an ethical minimum for rules that will police ordinary lives.

Central Civil Services (Conduct) Rules, 1964

Example of rules under service law: they operationalise integrity and devotion to duty for the stressed officer.

Disaster and epidemic manuals

Procedure that, if drilled, supports a positive operational attitude when a district is on fire or in a pandemic.

WRAP Exams · Write. Read. Analyse. Practice. · <https://wrapexams.com/upsc/mains-answers/gs-4/2020/a-distinguish-between-laws-and-rules-discuss-the-role-of-ethics-in-formulating-them-b-a-positive-attitude-is-considered-to-be-an-essential-characteristic-of-a-civil-servant-who-is-often-required-to-function-under-extreme/> · ask@wrapexams.com · wrapexams.com

WRAP Exams