

## GS Mains Daily Answer Writing

Week 8 Day 2

### Model Structures

**1. What is the role of law in functioning as ethical guidance? Identify some laws and rules that guide utilisation of public funds.** **10**

#### Model Structure

##### Introduction

- Law is a command or code created by a sovereign body or individual. Law can also be understood as a common minimum agreement between the citizens of a state to ensure a functional co-existence. It demands non-negotiable compliance and comes with a force to punish disobedience.

##### Main Body

- Ethics involve standards determining rightness and wrongness of human conduct. Since ethics have social backing, it has made it an enforceable law. Therefore, law is an enforceable avatar of ethics.
- It highlights what is allowed and disallowed and guides using choosing the right action. Laws like the Constitution embody principles to be followed by State and citizens, so it is called **constitutional morality**.
- Ordinary laws inform us right conduct in multiple spheres:
  - Civil liberties act prevent untouchability; IT Act informs limitations on free speech and expression.
- When we are in a dilemma, we can refer to them and act accordingly
  - e.g. The Constitution via the DPSP acts as a moral guide to legislators.
- Habituation to a law for long also socialises us.
  - The Right to Information Act, increased social participation in governance via oversight. Existence of the law has ensured that government departments maintain due process at all times. Thus, in long term laws can inculcate right values.
- But anarchic attitudes and lack of legal literacy can affect its role in guidance.
- Laws are helpful in preventing misuse and guiding right use of public funds:

- Constitutional provisions dealing with utilisation of public funds: Art. 110, 117, Public Accounts and Estimates Committees maintain oversight, CAG audits, etc.
- Prevention of Corruption Act lists different forms of misappropriation of funds and disallows it. When in a dilemma whether any usage can lead to bona fide mistakes one can refer to this law.
- All India Services (Code of Conduct) also guides one to not be extravagant in public fund usage so officers will be guided to maintain financial propriety in using funds

## Conclusion

- However, laws may be universal which are unsuitable for particular situations and times so there are sometimes discretionary powers given in public fund usage to reconcile conflict of law with ethics.

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**2. Define conviction. Do you think 'courage of conviction' will lead to indiscipline and insubordination in civil services?** **10**

## Model Structure

### Introduction

- Conviction is a firmly held belief or opinion. It acts as a moral compass in situations of ethical dilemma.
- Give an example of conviction
- Courage of conviction is a person's ability to firmly uphold his/her principles and opinions despite the circumstances being against them.

### Main Body

- **INDISCIPLINE AND INSUBORDINATION:**
  - Discipline and subordination are an essential part of the relation between civil servants and political leadership. Since civil servants are appointed, rather than elected, civil servants should be under sovereign control.

- This is done by making civil servants accountable to elected ministers. We have Ministries headed by Ministers as the CADRE CONTROLLING AUTHORITIES to do this exercise.
- If not kept disciplined and subordinated the power will concentrate in unelected sections of government.
- COURAGE OF CONVICTION:
  - Duty of civil servants:
    - To uphold high standards of integrity and probity
    - To be politically neutral
    - To uphold constitution
    - To act purely in public interest, etc.,
  - This needs courage of conviction,
    - To withstand political pressure and not take part in corrupt activities
    - To give an adverse opinion if the superior's actions are unconstitutional
    - To advise honestly the negative implications to public interest if superior's proposals are taken forward.

So, there is a need to differ and disagree from superiors as debate ensures that the best ideas come forward. Yet this must be done WITHIN LEGAL FRAMEWORK:

- Disagreements should be within a legal frame and professional capacity
- Disagreements should be clearly stated and written.
- Code of Conduct should never be violated in doing so.

## Conclusion

- So, the corollary is rule of law overrides discipline and subordination, when mandated by law to uphold a law/rule, the civil servants are ethical in upholding law and it does not mean indiscipline and insubordination.