

Complete Self-Study Booster Series for UPSC Powered By – Team Self Study Wala

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Dedicated To

All my students whom I have taught or who have given me the opportunity to learn from me in any way.

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2.1 Ethics

2.1.1 Definition of Ethics

The word ethics comes from the Greek word **ethos**, which originally meant **custom, habit, or character**. It evolved over time and nowadays ethos refers to **the fundamental values and norms that guide behaviour in a society or culture**.

Ethics is an **idealistic science** that attempts to **set established standards** for **voluntary human behaviour** to achieve **Summum bonum (Highest Good)**. These standards are based on logical thinking, critical analysis, philosophical inquiry, and systematic reasoning. It also evaluates human's conducts based on these set standards if any moral conflict arises in society.

Hence ethics deals with complex questions about voluntary human behavior and explores concepts like good and bad, right and wrong, justice and fairness.

Here, **voluntary human behaviour** means the actions done by humans **consciously, deliberately and in view of an end**.

Human behaviour/conduct based on Establish standards are considered as ethical.

A man without ethics is a wild beast loose upon this world. - Albert Camus

2.1.1.1 Character, Behaviour and Conduct

Character > Behaviour > Conduct > Character

Moral Values of person (cultivated through experience or behaviour) > Build character (inner quality of human) > influence behaviour (momentary or stable) – shape Conduct (stable long-term pattern of behaviour)

They all are inter-related concept. Hence can use interchangeable.

Character refers to the set of moral value and beliefs that make a person who they are. It encompasses traits such as honesty, integrity, courage, and loyalty. Character is more stable and consistent over time. It guide individual's behaviour across different situations. Character is internal and not directly observable.

Behaviour refers to the actions or reactions of a person, usually in relation to the situation, context or stimuli. It is the outward expression of one's thoughts, feelings, and decisions. It is directly observable and measurable. Stable long-term pattern of behaviour is called Conduct.

Key Differences:

Character	Behaviour/Conduct
Internal qualities and moral values that shape behaviour	External actions or reactions
Relatively stable and enduring over time	Can change frequently as also depending on external circumstances
Can Inferred from consistent patterns of behaviour	Easily observable and can be measured
Influenced by internal factors	Influenced by internal factors but depending on external factors
Character building needs education, mentorship, and role modelling.	Behaviour Management needs policies, incentives, and training.

Interrelationship:

- **Character Shapes Behaviour.** For instance, someone with a strong character trait of honesty is likely to behave truthfully, even when it is inconvenient or when there is pressure to do otherwise.
- **Behaviour Reflects Character.** While character is internal. Consistent behaviours over time can reveal underlying character traits. For example, consistently showing kindness and consideration to others suggests a character trait of compassion.

Application in Public Administration:

- Public administration training programs often focus on both developing ethical behaviour and reinforcing strong character traits such as integrity, accountability, and public service commitment.
- **Ethical behaviour** is crucial for maintaining **public trust**, but it should be rooted in a **strong character to ensure consistency and integrity**.

2.1.1.2 *Is Ethics Objective and Universal in Nature? Or Moral Relativism vs Moral absolutism*

Whether ethics are objective and universal is a complex question that philosophers have debated for centuries. Two main viewpoints are:

Objectivism and Universalism:

- Ethical standards exist independently of human opinion or cultural norms
- upholding fundamental ethical principles
- Supported by Virtue Ethics of Greek Philosopher like Socrates Plato Aristotle and Deontology of Immanuel Kant's

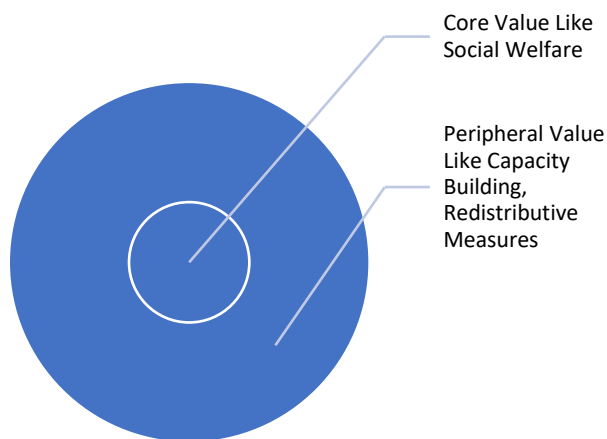
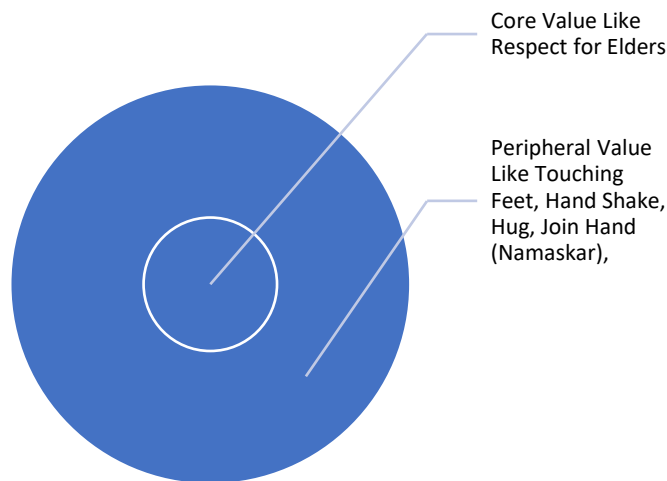
Subjectivism & Ethical Relativism:

- Ethical standards are subjective and vary depending on the culture, society, or historical period
- respecting cultural differences
- enhance social acceptance
- Consequentialism of Bentham and Mill (All's Well That Ends Well theory)
- **Ethical principles are not similar to scientific principles**
- Ethical relativism can be a tool for **understanding and respecting this diversity**. It can guide civil servants to be **respectful and tolerant of different viewpoints**, which can help **foster trust and cooperation**.
- **Unlike religions** where concepts of right and wrong, good and evil, are said to have been decided by God, hence immutable; in ethics, the concept of right and wrong is **based on critical thinking, logical discussions, evidence and investigations**. Hence, **the concept of ethics changes with time**.
- The **behaviour of each human being changes** with respect to time and varies from person to person. Societies, too, are like living organisms—having evolved over millions of years. Therefore, **each society has different sets of values and ethical standards**.
- **Historical events, technological advances, and cultural shifts** can all influence our values which further influence contemporary ethical standards. For instance, the rise of the digital age has made privacy a more prominent value, while societal movements have brought increased attention to values like diversity and inclusion.

In actual there is for a balance between **respecting cultural differences and upholding fundamental ethical principles**.

- Some ethical standards are universal and objective and **serve as the foundational bedrock of various cultures and societies** like respect for life, and fairness, Honesty, Truth, Justice, Responsibility, Compassion, Cooperation, Wisdom, Love, Faithfulness and Courage
- Some ethical standards are **peripheral** and **keep changing with time** like the role of a woman, obedience to parents, arrangement of marriage, etc. For example, earlier, a good woman had to be submissive and serve the family while in modern times, she is considered equal to men.

In essence, ethical standards **can both universal and dynamic**. The universal standards form the core and provide foundational bedrock of society while the relative standards form the periphery and ensuring that our values remain relevant and responsive to the needs and challenges of the times.



2.1.2 Sources of Ethics

Our ethical compass is shaped by a **confluence of influences** like-

- Philosophy or Logical thinking, Critical Analysis or Rationalism
 - Virtue Ethics - Greek Philosopher like Socrates Plato Aristotle – Focus on good character
 - Deontology: Immanuel Kant's – Focus on Means
 - Consequentialism - This includes utilitarianism of Bentham and Mill – more focus on ends (All's Well That Ends Well theory)
- Religion
 - Christianity - Ten Commandments - emphasize love, compassion, justice, ban abortion
 - Islam – Quran, Hadith – idea of equality
 - Hinduism - Bhagavad Gita, Upanishads – idea of dharma (duty), importance of righteousness
 - Buddhism - Eightfold Path, Four Noble - reducing suffering and achieving enlightenment through ethical conduct.
- Cultural norms and practices
 - Western Culture: more emphasis on individual rights, democracy, and freedom.
 - Eastern Culture: May focus more on community, harmony, and collective well-being.
- Legal systems like Constitutional morality, Criminal Law, Civil Law and other rules and regulations
- Government and its policies – like right wing prefer deglobalisation
- Society and Social Institutions like family, school, and media build perceptions of right and wrong among people
- Professional Codes of Conduct also try to ensure integrity, accountability, and public trust like
 - Hippocratic oath in medical ethics

- Central Civil Services Conduct Rules, 1964 and All India Services Conduct Rules 1968 in civil services
- Conscience - Person's moral sense of right or wrong or intuition also play a crucial role in determining moral behaviour.
- Collective conscience
 - It refers to the shared beliefs, values, attitudes, and moral standards that bind a society or group together.
 - It has a far-reaching impact on individuals, family, society, institutions, government, administration, etc. It passed down through generations via **socialization processes**.
- Personal Experience and reflections can also shape ethical beliefs - Play Harishchandra influence Mahatma Gandhi, value of Truth
- Time – Ancient (Sati is considered good, even worshiped) – Modern (Sati is inhumane)



Fig – Source of Ethics

In the context of **public administration**, ethics are derived from a combination of these sources to ensure that public officials act with integrity and accountability while serving the public interest.

2.1.3 Ethics and Moral Values (Morality) or Ethics vs Social Morality

Ethics and moral values/social morality are **two sides of the same coin**, both guiding our understanding of right and wrong, but they are used in slightly different ways and in different contexts.

Moral values are your **personal beliefs** about what's good or bad, right or wrong. They form the foundation of your ethical decision-making. They are personal and internal, often shaped by cultural, societal, and religious beliefs, and can be seen as a personal compass of right and wrong. They can vary from person to person.

Example - Honesty, Respect, Loyalty, Generosity

Social Morality or Social norms are the unwritten norms, values, and standards that are prevalent within a society. They are like **social expectations** about how individuals should behave in specific social contexts. Social norms are culturally dependent and can vary significantly across different societies and groups. They govern everyday interactions and social behaviour through social sanctions and community expectations.

Example - Honesty and Trustworthiness, Respect, Helping Others, Cooperation and Reciprocity

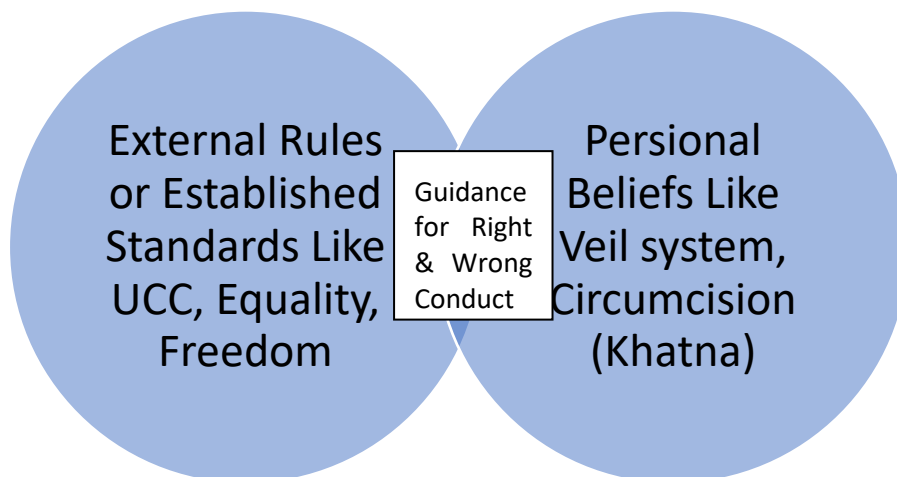
Differences:

Ethics	Moral Values	Social Morality
Established standard of right and wrong	Personal belief of right and wrong	Societal norms of right and wrong or Societal expectation from individual

More formal and systematic. Often formalized into codes of conduct, professional guidelines, and laws.	More informal and personal. Informal and unwritten, relying on social approval and disapproval.	
Based on critical Thinking, rational thought, philosophical reasoning	Based on individual beliefs, cultural practices, and societal norms	
Generally, applied in professional life like business, medicine, law, and public administration	Applied in everyday life	
More objective and Universal with respect to different culture	More subjective and variable with respect to different culture	
More flexible and adaptable to change	Often rigid and slower to change	
Ensure integrity, transparency, and accountability in public administration	Increase public trust and ensure social cohesion in public administration.	
Enforced by - Organisation like Judiciary	Enforced by - Conscience	

Similarities (Ethics vs Morality) (Ethics vs Social Morality):

- Both provide guidance for good human behaviour
- Both Influence individual decision-making processes
- Both are **influenced by** cultural, historical, and social contexts
- Both aim to promote **social order and harmony** in society
- Both are normative, meaning they prescribe how people ought to behave
- Both can be internalized by individuals



Interrelationship:

- Both are interdependent and complimentary to each other.
 - Ethical principles can **shape and transform social norms** over time. For example, ethical arguments against discrimination have led to changes in social norms regarding **equality and inclusivity**.
 - Prevailing social norms can also influence and shape ethical principles. What is considered ethical often reflects the social norms of the time. Like
- **Ethics provide a formal framework** for applying your moral values in real-world situations.
 - **Professional Guidelines**
 - **Code of Conducts**

- Ethical principles can reinforce positive social norms, providing a rational justification. Social norms can reinforce ethical behaviour by promoting social approval for actions that align with ethical standards.

Conflict:

Conflicts can arise when **ethical principles challenge established negative social norms**. For example, ethical principles advocating for human rights may conflict with social norms that discriminate against certain groups.

- Morality can vary greatly between cultures. Sometimes, your moral values might clash with established ethical codes.
 - Oppositions of Live in relationship vs Idea of Freedom
 - Oppositions of UCC vs Idea of Equality
- Professional ethics might differ from personal morality
 - Hippocratic Oath vs Personal belief in non-treatment of Evil Person.
 - Patient Confidentiality vs Public Safety: A patient confesses to a crime against children during a therapy session. Reporting the crime could violate the Patient Confidentiality but ensure the Safety of children.
- Situational Dilemmas Like-
 - Distributing Food to the Homeless Without PDS Cards
 - Give benefits of government program to a needy person without proper documentations

Resolution:

- Weighing the potential outcomes for more informed and balanced decision
 - Use philosophical theories like – Consequentialism/Utilitarianism (focusing on the greatest good), Deontology (focusing on duty and rights), and Virtue Ethics (focusing on character)
- Resolution requires **dialogue and gradual shifts** in both ethical understanding and social norms.
- **Judicial interpretation** like decriminalising the homosexuality.
- **Social Movements**

Application in Public Administration:

- Both have importance in Public Administration. **Moral values are like your internal compass of good and bad while Ethics are like the external map of right or wrong**. Together, ethics and moral values are crucial for navigating the complexities of life.
- Social morality is necessary for peoples participation.
- Civil servant must follow **constitutional morality** to ensure **integrity, transparency, and accountability** in their actions and **must be aware of and respect the social morals and of the communities they serve** to maintain **public trust, acceptability, effectiveness and ensure social cohesion**.

2.1.3.1 *Is Ethics Without Morality Possible?*

Arguments for Ethics Existing Without Morality:

- **Consequentialism (Teleology)** - prioritize the greater good/outcomes over some moral values
- **Professional code of conduct** - Prioritize specific rules and guidelines which not necessarily link to moral values. For example-
 - **Examples 1** - Lawyers are ethically bound to provide the best defense for their clients, even if they believe the client is guilty. This professional duty exists regardless of the lawyer's personal moral stance on the case.
 - **Examples 2** - A company might adopt ethical guidelines to maximize shareholder value, which might include practices like tax avoidance. While legally permissible and within the company's code of ethics, individuals within the company might morally object to such practices as being socially irresponsible.
 - **Examples 3** - Soldiers are required to follow orders and adhere to a military code of conduct, which might involve actions that conflict with their personal moral beliefs like no civilian casualties.
 - **Examples 4** - Hierarchy in structural government and administration.

- **Cultural Relativity:** Ethical codes can vary greatly across cultures. What's considered ethical in one society might be unethical in another.

Arguments Against Ethics Existing Without Morality:

- **Virtue Ethics** - emphasizes the development of **good character traits (virtues)** based on moral values.
- Deontology – right means based on moral values
- More acceptance for Ethical Standard if includes moral values

Conclusion:

- While ethics generally stems from morality, it is theoretically **possible to construct an ethical system that operates independently of explicit moral values**. But such a system would **likely be hollow and lack the depth that comes from genuine moral reasoning**. **Ethics and morality are deeply intertwined, they are like the two faces of the same coin**. Moral values provide the **foundational beliefs** upon which ethical theories and principles are built. Ethics **translates abstract moral beliefs into concrete guidelines and principles** that can be used to navigate real-world dilemmas.
- **Ethics without morality is empty and ineffective**. Hence, if you want to improve the ethical standards of the organization you have to first improve the ethical standards of the society.

The following quote of Dr. A.P.J. Abdul Kalam best reflects the importance of morality in society-

Society is not strong because it has got the atomic weapon, but it is strong because it has the people with good character.

	Ethical	Moral	Example
Ethical but Not Moral Act	Yes	No	Implementing quota systems for reservations aims at social justice but may be viewed as unfair by those who do not benefit and considered it as discriminates against merit and creates social division.
Moral but Not Ethical Act	No	Yes	Nepotism in employment fulfils familial obligations but undermines fairness and meritocracy.
Both Moral and Ethical Act	Yes	Yes	Supporting farmers during a crisis aligns with moral values of compassion and ethical principles of social justice. Whistleblowing on Corruption (report it to the authorities) aligns with the moral compass of honesty and doing the right thing and ethical conduct within the system.

2.1.4 Constitutional Morality and Social Morality

Constitutional morality refers to the **core principles, values standards of morality enshrined in the constitution, such as rule of law, individual rights, democratic governance, justice, equality, freedom, and respect for diversity**. It involves not only **following the letter** of the constitution but also **upholding its spirit and the values** it enshrines.

Dr. B.R. Ambedkar, the principal architect of the Indian Constitution, highlighted the importance of constitutional morality. He suggested that **in a democracy, constitutional morality entails not just faith and reverence for the constitution, but also an attitude of respect towards the rights and freedoms of all individuals, even when their exercise may not align with majoritarian views or norms**.

Importance of Constitutional Morality:

- Adherence to CM increase public trust in government institutions.
- Necessary to Promote Social Justice and Equality by eliminating discriminatory practices (e.g., Sabarimala Temple Entry Case)
- To reducing arbitrariness and upholding the Rule of Law
- To Protect of Rights and Freedoms of individual against state and society
- Source of Guidance for government and administration
- Balance of power by providing separation of power

- Provide a framework for conflict resolution

Challenges to Constitutional Morality:

- Populism (like freebees, policy of appeasement etc.)
- **Judicial overreach** (where courts intervene excessively in executive or legislative matters) or **judicial passivity** (where courts fail to act against constitutional violations) can undermine constitutional morality
- Misinterpretation of constitution due to lacks of clear boundaries
- Corruption
- Weak Institutional Frameworks can erode constitutional morality.
- Social Morality like opposition of UCC and patriarchy undermine gender equality
- Religious traditions like oppositions of temple entry for women and lower caste, child marriage etc.
- Lack of Critical thinking and **Public Awareness**
- Low level of Civic Engagement
- **Loopholes in legal system** like in dowry prohibition act, 1961, dowry is ban but gifts are allowed
- Biased media

Addressing Challenges:

- Strengthening Institutions
- Public Education and Awareness about constitutional rights and principles
- Balancing Populism and Constitutionalism
- Anti-Corruption Measures
- Judicial Training and Independence
- Encouraging Civic Engagement

Similarity:

- Generally, both constitutional and social morality are based on some ethical principles
- Both sets of moralities influence individual and collective behaviour
- Both are dynamic and evolve over time
- constitutional morality also recognizes religious morality in India. Article 25 to 28

Difference:

Constitutional morality	Social morality
Derives from the constitution, legal principles, and judicial interpretations	Derives from societal norms, cultural practices, and communal beliefs
Guides actions in the public and legal domains	Influences everyday social interactions
Enforced through legal mechanisms, including courts and judicial review	Enforced through social mechanisms such as peer pressure, community expectations, and informal sanctions

Interrelationship:

- Constitutional and social morality are interrelated and often influence each other. Constitutional morality can shape social morality by establishing legal standards that impact societal values (e.g., laws promoting gender equality).
- Conversely, social morality can influence constitutional morality by pushing for legal reforms and constitutional amendments reflecting changing societal norms (e.g., the abolition of untouchability in India).

Conflict between Social and Constitutional Morality:

- Conflicts can arise when **social norms contradict constitutional values** (e.g., opposition of UCC, Sabarimala Temple Entry Case).
- Populism (like freebees, policy of appeasement etc.)
- Corruption
- Lack of Critical thinking and **Public Awareness**

- Low level of Civic Engagement
- Religious traditions like oppositions of temple entry for women and lower caste, child marriage etc.
- **Loopholes in legal system** like in dowry prohibition act, 1961, dowry is ban but gifts are allowed
- Biased media

Resolution:

- Judicial intervention. Courts play a crucial role in upholding constitutional morality.
 - SC decriminalise homosexuality, supreme court allowed the women to enter into the Sabarimala temple (CM prioritise over SM)
 - SC not Legalizing same-sex marriage (SM prioritise over CM)
 - SC decriminalise homosexuality but not Legalizing same-sex marriage (Make a balance between CM and SM)
- Reforms in legal system
 - Protection of Civil Rights Act, 1955, Dowry prohibition act, 1961 (CM prioritise over SM by government)
 - UCC has not been adopted till now (SM prioritise over CM by government)
- Social reforms to eliminating social evils and makes broad consensus about constitutional values and
- Constitutional amendments to internalize the progressive societal norms

Application in Public Administration:

- Civil servant must follow **constitutional mandates** to ensure **integrity, transparency, and accountability** in their actions and **must be aware of and respect the social morals and of the communities they serve** to maintain **public trust, acceptability, effectiveness and ensure social cohesion.**
- In cases of conflict, public administrators should find solutions that uphold constitutional values while addressing social concerns.

2.1.4.1 Evaluate Khap Panchayat as a source of Social Morality in India?

Khap Panchayats are caste or community groups, present largely in rural areas of north India. They are extra constitutional authority which work as a quasi judicial body and pronounce harsh punishments based on age-old customs.

Positive Aspects:

- Foster a sense of community and Social Harmony
- Preservers of cultural heritage and traditional values
- Maintaining social order by provided a form of local governance and dispute resolution, often in rural areas where access to formal legal systems is limited

Negative Aspects:

- Human Rights Violations - illegal and unethical punishment like honour killing, mob violence, public shaming, and forced marriages
- Inhumane means to implements there order
- Gender Discrimination, often uphold patriarchal norms
- Resistance to Social Change and modernization, women's rights, inter-caste marriages, freedom of choice in marriage
- Lack of Legal Authority, extra constitutional authority, undermines the rule of law and the legal rights of individuals

Conclusion:

While Khap Panchayats have played a traditional role in maintaining local social order, their approach to social morality is often at odds with modern human rights standards and legal principles.

Government and civil society organizations should educate and empower rural populations, promoting awareness of legal rights and the importance of individual freedoms.

The Indian legal system has often condemned the actions of Khap Panchayats. The Supreme Court of India has invalidated their decree.

2.1.5 Ethics and Religions

Religion is a **system of beliefs, and values** based on the worship of a **higher power or deity**. It often includes **doctrines and moral codes** prescribed by religious texts considered as immutable due to divine origin.

or authorities.

Similarity:

- Both ethics and religions provide **Moral Guidance** for determining what is right and wrong
- Both often promote **similar core values and principles** such as honesty, integrity, compassion, and justice
- Both aim to **regulate human behaviour** to promote social harmony and individual well-being.
- Both contribute to the maintenance of **social order and the functioning of communities**

Difference:

Ethics	Religion
Derives authority from rational thought, philosophical reasoning	Derives authority from divine revelation, sacred texts, and religious traditions Sabarimala temple women entry case Haji Ali Dargah women entry case Circumcision (khatana) in Male - remove the skin that covers the tip of the penis Genital mutilation (Khatna) in Female - total or partial removal of the clitoral hood
Critical thinking based	Scripture based
Can be secular and apply universally across different cultures	Often specific to particular faith traditions
More flexible and adaptable to changing societal norms	Often more rigid, with established doctrines and dogmas that may resist change
More objective, relying on universal principles and logical reasoning.	More subjective, based on personal faith and spiritual experiences
Tangible	Intangible

Interrelationship:

- Many ethical principles are **rooted in religious teachings**
 - **Treat others the way you want to be treated**
- Religion often **motivates ethical behaviour**
 - **Concept of sin-virtue and heaven-hell**
- Ethics and religion can complement each other. **Religion providing the moral foundation and ethics offering a rational, systematic approach to applying these principles.** In actual ethics convert the **intangible value of religions into tangible** and more applicable standards.

Conflict:

- When old religious belief, customs and traditions conflicts with ethical principles
 - Denied abortion due to religious belief-based law like **Savita Halappanavar Death case of Ireland**
- Misinterpretation of religious text
 - Jihad - kill the devil inside you or kill people of other religion
 - Triple Talak

- Lack of proper understanding of own as well as other's religion
 - Depends on oral preach, not studying religious text herself
- Growing intolerance in society
- Fear factor like **Concept of sin-virtue and heaven-hell** also sometimes force to behave against ethical values
 - Like in movie the Kerala story

Solution:

- Judicial intervention
 - Sabrimala temple entry case
- Legal reforms
 - Protection of Civil Rights Act, 1955, Dowry prohibition act, 1961 (CM prioritise over SM by government)
- Social reforms movements
 - SC/ST rights movements, Women rights movement
- Promote True knowledge of religion
 - Based on love not on fear (Mazhab Nahi Sikhata Aapas Mein Bair Rakhna)
 - 'For great men, religion is a way of making friends; small people make religion a fighting tool.' - A.P.J. Abdul Kalam
- Philosophical theory like deontology and teleology
- Promoting education to develop critical thinking

Application in Public Administration:

- Codes of ethics for public officials often include principles derived from both ethical theories and religious values.
- Civil servant must follow **constitutional mandates** to ensure **integrity, transparency, and accountability** in their actions and must be culturally sensitive and respect the religious beliefs of diverse populations to maintain **public trust, people's participation, acceptability, effectiveness, maintain law and order and ensure social cohesion.**

2.1.5.1 *is Ethics can exist without religion?*

Religion and ethics are largely inseparable till 13th century. Ethics will separate from religion especially Christianity, by **Thomas Aquinas** who gave the concept of various type of Law.

Ethics and religion complement each other, with **religion providing the moral foundation and ethics offering a rational, systematic approach to applying these principles** in diverse contexts.

Since all religion are based on some foundation values and they propagate these values which form the basis of ethics and hence **ethics is profoundly influenced by religion.**

But in theory, ethics can exist without religion.

Secular Ethics, branch of moral philosophy, based on human faculties such as logic, reason, or moral intuition, and not derived from supernatural revelation or guidance, many Philosophers like Immanuel Kant, John Stuart Mill, and Aristotle follow this

Diverse Ethical Philosophies, such as consequentialism, deontology, virtue ethics, and contractarianism determining ethical behavior without reference to religion.

Secularism – separation and non-interference of state with religion

Humanism is based on critical thinking and evidence and belief that humans can determine right from wrong based on their own experiences, feelings, and thoughts.

Moral intuitions and empathy are natural human traits that do not require religious justification. Evolutionary biology and psychology suggest that these traits have developed to promote social cooperation and cohesion.

Cultural and Social Constructs, Ethics is a **set of rules or guidelines created by societies** to promote harmonious living

Modern legal systems and secular institutions often operate on ethical principles that are separate from religious doctrines

Overall, while religion has historically been a source of ethical guidance for many people, it is not a necessary condition for the existence or understanding of ethics. Ethics can exist without religion. Atheist person can also be an ethical person. Ethics can be grounded in human reason, empathy, societal norms, and philosophical inquiry.

2.1.5.2 Moral values espoused by major religions in India

Hinduism:

- Veda/Upanishad – Victory of Satya (Truth), Satyamev Jayate, Brahmacharya (Celibacy/Chastity)
- Mahabharata - Dharma (Righteousness), Karma (Action and Consequences), Fight of Truth over Evil
- Gita - Nishkam Karma, follow your Duty, Overcome Desire, Means based conduct, selflessness
- Ramayana - Adherence to truth, Respect for Elders, Ramya Rajya

Buddhism:

- Middle Path
- Controlling Desire

Islam:

- Equality
- Charity (Zakat)

Christianity:

- Love
- Forgiveness
- Compassion

Sikhism:

- Compassion (Daya)
- Service (Seva)
- Courage (Himmat)

Jainism:

- Ahimsa (Non-violence)
- Satya (Truthfulness)
- Asteya (Non-stealing)
- Brahmacharya (Chastity)
- Aparigraha (Non-possessiveness)

Conflict between ethics and religion:

- Due to Narrow interpretation, lack of right knowledge, Intolerance religion has become a source of tension, insecurity in society rather security peace and harmony.
 - 'For great men, religion is a way of making friends; small people make religion a fighting tool.' - **A. P. J. Abdul Kalam**
- Lack of right understanding of religion is the main cause. In actual, Religion is passing on oral history. Most of the people don't know about their own religion as well as other's religion.

2.1.6 Ethics and Law

Law and ethics both guide behavior, but they do so in different ways and have different origins and consequences.

Law refers to the system of rules that are created and enforced by the governing/sovereign authority of the land, such as the government or the court system to achieve common good. State has the sovereign powers to enforce law despite resistance.

Laws are intended to **maintain order, protect individuals and property, provide services, and promote the general welfare**. If you violate a law, you can be penalized, often through fines, imprisonment, or other legal sanctions. Laws

can be statutory (created by legislatures), common (derived from court decisions), or regulatory (created by executive agencies).

Similarities:

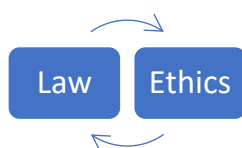
- Both aim to regulate conduct and ensure orderly society by provide guidelines on acceptable behavior
- Both promote social good and well-being- encourage good actions and discourage harmful action
- Both can address similar issues like theft, violence, and discrimination.
- Guidance of moral behaviours
- Both offer a framework for decision-making.
- Both are source of attitudinal change

Differences:

Law	Ethics
system of rules that are created and enforced by the governing/sovereign authority	established standards for voluntary human behaviour,
More formal as Codified and enforced by governmental institutions	More Informal - Often unwritten and come from philosophical, religious, moral or cultural traditions
Law, generally deals with Citizen	Ethics, generally deals with Human
Less universal in sense of different country or culture Laws are often specific to a territorial boundary of country	More universal than laws
Specific and rigid. Apply universally within a jurisdiction until amended or repealed.	Broader and more flexible
Objective of the law is to maintain social order and peace	Ethics helps a person to decide what is right or wrong and how to act
Mandatorily upheld, with enforcement through formal legal mechanisms like courts and law enforcement agencies.	Voluntarily upheld, with social or professional pressure. Social boycotts (hukka pani band karna)
Violations result in legal consequences, including fines, imprisonment, or other legal sanctions.	Social or professional consequences, such as loss of reputation or professional censure.
Letter and Spirit	Emphasis on Spirit side
More External	More Internal

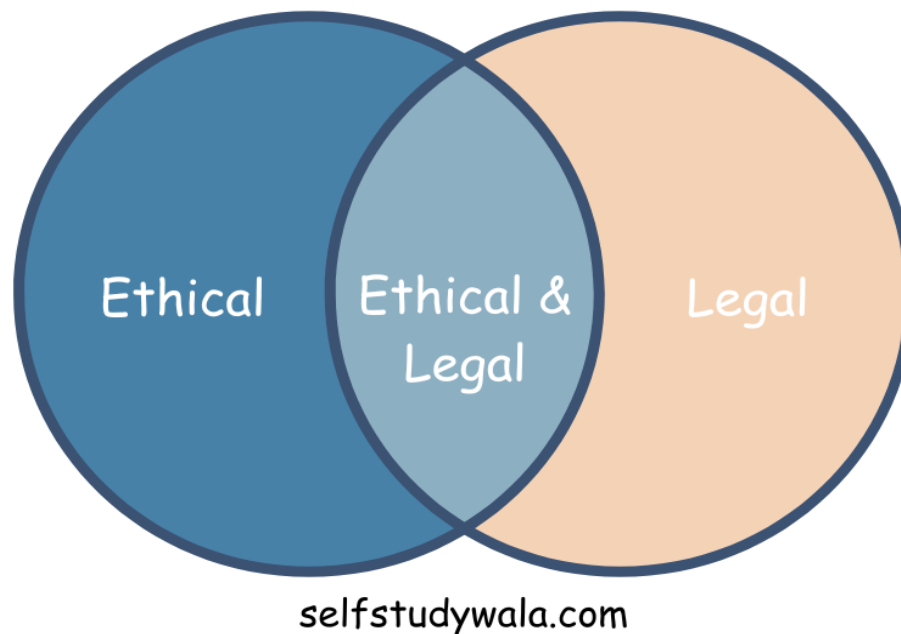
Interrelationship:

- Both Influence each other-
 - Ethical principles often influence the creation of laws – Dowry prohibition, Decriminalisation of Homosexuality
 - Laws can help to **shape and solidify ethical norms** within a society, makes them enforceable – Civil rights protection act, 1955



- Both complementary each other-
 - Ethics guide decision-making when law is silent (e.g., conflicts of interest)

- **Law has moral obligation - Thomas Hobbes, as law making authority** (state) is the result of social contract theory
- Laws enforce constitutional morality.



Conflict between Law and Ethics:

- When Legal Reforms lag behind societal changes and ethical advancements
 - Privacy
- Diversity and Cultural Differences
 - UCC
- Rigid Legal Frameworks, offered no exceptions for complex cases like **Savita Halappanavar Death case of Ireland**
- Religious Influence on law like Catholic background of Ireland likely influenced the restrictive abortion law.
- Corporate and Economic Interests, crony capitalism
- Populism
 - Government changes the SC verdict in shah bano case
- Moral Pluralism, Diverse moral perspectives within a society
- More focus on letter of the law rather following both letter and spirit of the law
- Complexity of Law
 - Show me the man I will show you the rule.
 - Sticking to the complexity and letter, rather than the letter and spirit of the law, fosters a cynical and manipulative approach to law enforcement.
- Corruption

Solutions:

- Follow the law in letter and spirit
 - Deeper understanding of Constitution morality help to understand the spirit of law
 - SC - Procedure established by law > Due processes of law
 - Breaking the spirit of law is just like **hiding behind the law, run away from duty** and it is the case of **mental harassment** because it is invisible
- Judicial review law in conflict
- Updating Laws by legislature
- Legal Flexibility

- Use discretionary power in the light of constitution morality
- Social reforms to increase the social acceptance of law
- Strengthen institutions
- Provide legal awareness for public
- Increase Stakeholder Engagement and civil society participation in making and implementation of law

Example where actions are ethical but not legal

- Give benefits of government scheme to needy without proper documentation
- Civil Disobedience for Civil Rights
- Breaking Curfews to Help Others
- Feeding the Homeless in Restricted Areas
- Hacking to Expose Security Flaws
 - Ethical hacking

Example where actions are legal (not illegal) but not ethical (i.e., Right to do but not right thing to do)

- Denying abortion due to ethical standards of society, **Savita Halappanavar Death case of Ireland**
- Tax avoidance by a company to maximize shareholder value
- Marital Rape
- Misuse of Money bill, President rule, ordinance making power, emergency provision etc.
- House demolition due to minor legal violation of housing norms
- Selective and Revengeful application of law
- Delay treatment of person injured in accident due to proper police case filing
- Protection of client by Lawyers which they considered guilty, as show in criminal justice movie

Guidance for Public Administration:

- Public servant must balance their **legal obligations** with their **ethical responsibilities**. Laws ensure compliance with policies and regulations, while ethics ensure actions are taken in the public interest.
- Both are considered two side of the same coins hence both should be followed together.
- **Civil servants must follow both the letter and spirit of the law to avoid the conflict between law and ethics.**
- Civil servants also try to increase the **Legal awareness of society** as-
- Effectiveness of the law \propto Legal awareness of society
- Attitude and behaviour changes are also focused it is found that it brings far and wide changes like swatch Bharata mission

2.1.6.1 Legal Rights (what you have the right to do) vs Moral Obligations (what is right to do) Dilemma

Ethics is knowing the difference between what you have the right to do and what is right to do. (UPSC 2022)

This quotes emphasis that the scope of ethics is far greater than the legal obligation. Legally, you may have the right to do something, but ethically, it may not be the right thing to do.

Legal Rights (Right to do): These are the actions that are permitted by law. They define what you are legally allowed to do without facing legal consequences. Just because something is legal doesn't necessarily mean it's morally right.

Moral Obligations (Right things to do): These are actions that are considered ethically correct or virtuous, even if they are not required by law.

- **Moral Obligations Beyond the Law:** Ethical considerations can sometimes push you to **act beyond the law**. The **Good Samaritan principle** encourages people to voluntarily offer assistance to those in distress, even if there's no legal obligation to do so.
- **Moral Obligations Against the Law:** Ethical person will not be indifferent to social problems and protest against unjust laws, and support the poor and helpless victims against powerful people.

2.1.6.2 Can civil servant go beyond the law while doing good things

In doing a good thing, everything is permitted which is not prohibited expressly or by clear implication. Examine.

Positive Implications:

- May increase welfare of society
- Provide more flexibility to take Initiative - DM visits a government school and eats the mid-day meals cooked for children
- Encourages innovative solutions to public issues
- Increase Responsiveness of public servants which allowed to respond dynamically to emerging needs and crisis of society

Negative Implications:

- Failed in Judicial scrutiny
- Actions taken without clear legal backing may lead to **legal consequence, charge of favouritism**
- Actions taken in the **grey areas of legality** may complicate accountability and can increase the **corruption** in system in long term due to Ambiguity and Interpretation
- Established wrong precedents for future civil servants
- The line between what is expressly forbidden and what is allowed can be blurred, leading to ethical conflicts
- A public official implements surveillance measures to prevent crime, not covered by existing legal frameworks
- Chance of misuse by corrupt officers
- Set wrong precedent

Civil servants must find a legal route to implement ethical decisions. (Movie article 370)

They must consult with some legal advisers, seniors, find some precedents, try to use of delegative legislation and must document decisions and the rationale behind them to provide a clear account of actions taken.

2.1.6.3 Relevance of Civil disobedience in Present Times

Civil disobedience is the active, professed refusal to obey certain laws of a government without resorting to physical violence. Civil disobedience is typically nonviolent, which reduces the risk of harm and can prevent the escalation of conflicts compared to violent protests.

Martin Luther King Jr in American Civil Rights Movement, Mahatma Gandhi in Indian Independence Movement also use civil disobedience as a tool.

Civil disobedience, the act of deliberately disobeying a law to protest a perceived injustice, has both positive and negative aspects.

Positives:

- Promotes Social Change such as the Civil Rights Movement in the United States
- It raises public awareness about injustices and can shift public opinion
- Ethical as choosing nonviolent resistance
- Demonstrating a willingness to face consequences (e.g., arrest) can add legitimacy to the movement
- It empowers individuals and groups to take action against injustices
- Acts of civil disobedience can unite people with shared values and goals, strengthening the sense of community and solidarity
- Many ethical theories, such as deontology (duty-based ethics) and consequentialism (focusing on outcomes), support the idea that individuals have a **moral duty to oppose unjust laws.**

Negatives:

- Participants may face arrest, fines, imprisonment, or other legal consequences
- Having a criminal record can have long-term negative effects
- Civil disobedience can disrupt public order and cause inconvenience
- Actions like strikes or blockades can have economic repercussions, affecting businesses and livelihoods
- There can be a backlash from authorities or the public, leading to increased repression or stricter laws
- High Risk of Escalation of movement and become violent
- Ripple effects and habit of civil disobedience can lead to a law-and-order problem
- Authorities or media might misinterpret or misrepresent the actions and intentions of the protestors
- Pressure group used civil disobedience as a tool for improper demands

- Disobeying laws can undermine **rule of law** and lead to chaos.

Civil disobedience can be a powerful tool for social change, promoting justice and equality through nonviolent means. However, it carries risks and potential downsides, including legal consequences, public disruption, and the possibility of backlash.

In present times many other tools are available for the same like-

- Judicial review, use of PIL
- Pressure through social media campaign
- Appeal to government
- Peaceful protest without breaking law, Farmers protest demanding MSP a legal status etc.

Hence, Civil obedience should be used as a last resort. Government should promote civil society participation in law making and enforcing mechanism to avoid such incidence.

2.1.6.4 *Doctrine of colorable legislation*

The doctrine of colourable legislation gives the power to court to ensures that legislatures act within the constitutional limits and prevents legislatures from making laws they aren't authorized to make, even if done indirectly. It prevents legislatures from exceeding their authority.

It is also known as **pretextual legislation or fraud on the Constitution.**

Positive points:

- It helps maintain the separation of powers hence works as a Constitutional safeguard
- Courts use it to scrutinize potentially unconstitutional laws
- It prevents legislatures from overstepping their constitutional boundaries
- Prevents abuse of power
- Promotes transparency in legislation
- Protects individual and states' rights by limiting federal overreach

Negative points:

- Based on Subjective interpretation
- Potential for judicial activism
- Make the legislative process more complex as lawmakers try to ensure their laws won't be struck down.
- Delaying potentially beneficial legislation and implementation
- The possibility of laws being struck down can create legal uncertainty

2.1.6.5 *Quotes on Law*

Aristotle:

- "Justice is the advantage of the weaker."
 - This suggests that laws should protect the interests of those who are less powerful, ensuring that justice serves the common good.
- "The law is not to be obeyed only in order to avoid punishment, but because it is right and good."
 - Aristotle believed that laws should be respected and followed not out of fear of punishment, but because they are just and beneficial for society.
- "At his best, man is the noblest of all animals; separated from law and justice he is the worst."
 - Aristotle emphasizes the importance of law and justice in cultivating the best qualities in human beings and maintaining social order.
 - Human + Law and Justice = Humane
- "The law is reason, free from passion."
 - This quote reflects Aristotle's belief that laws should be based on rational thought and objective reasoning rather than emotions or personal biases.

Plato:

- "Where there is no law, there is no freedom."

- This quote emphasizes the idea that laws are necessary to ensure freedom by providing structure and order in society.
- "Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws."
 - This highlights the limitations of laws and the importance of cultivating virtue in citizens.
 - Way around (Loopholes) in dowry prohibition act, 1961, dowry is ban but gifts are allowed
 - But Law is necessary
 - to avoid bona fide mistakes
 - to provide knowledge of right and wrong
 - to provide clear demarcations of right and restrictions
 - Therefore, even if society can be considered morally good still law is needed to regulate conducts of people.
- "Laws are not made for the good man, but for the bad."
 - Plato suggests that laws primarily exist to curb the actions of those who would otherwise act unjustly, rather than to guide the already virtuous.
- "A good decision is based on knowledge and not on numbers."
 - This implies that laws and legal decisions should be based on wisdom and understanding rather than mere majority rule.
 - In "The Republic," Plato argues that the ideal ruler is a philosopher-king, someone who possesses both the wisdom to understand the true forms of justice and the authority to implement them.

James Madison (Father of the Constitution):

- "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."
 - This quote emphasizes the need for laws and government due to human imperfection.
 - Neither man can become angel nor god come us to rule, hence constitution is necessary.
- "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."
 - Madison underscores the importance of separating powers to prevent tyranny.
- "Ambition must be made to counteract ambition."
 - Madison explains the necessity of checks and balances within government to prevent any one branch from gaining too much power.
- "It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood."
 - Madison warns against overly complex and inaccessible laws, emphasizing the need for clarity and understandability in legislation.

2.1.7 Difference Between Laws, Rules, Regulations

	Law	Regulations	Rules
Source	Laws are formal norms that have been codified and are enforced by the governmental authorities. (Legislature)	regulations are formal or informal norms that have been issued by Public authorities (Executive) or Private agencies can issue. Delegated legislation. For example, a government might issue regulations about environmental standards for factories, or safety standards for consumer products.	Rules are less formal norms . They can be established by organizations, institutions, or individuals and are usually enforced by those who set them . Rules are also made for successful implementation of law .

Scope	Broad and general Overview. Laws apply to all members of a society or jurisdiction and are usually written down in a legal code.	More specific and detailed than rules . Regulations are legally binding rules if issued by government bodies or any regulatory body , providing detailed guidance on how to implement and comply with laws.	More specific and detailed than laws , such as rules in a school or workplace, or rules of a game. Rules are general instructions or guidelines that tell what can or cannot be done in particular situations.
Enforceability	Laws are less flexible and have severe consequences when broken like penalties or punishments. Highest level of enforceability.	They carry the force of law, meaning they are legally binding and failure to comply can result in legal penalties.	Rules are more flexible and have lighter consequences when broken. Consequences for breaking them can vary widely.
Flexibility	Less flexible , often requiring formal amendment	More flexible than law but less flexible than rules. Regulations are typically more detailed and complex than rules, as they are designed to implement and enforce laws.	More flexible than laws, can be changed more easily
Purpose	Establish fundamental principles and guidelines. Laws are intended to regulate behavior at a broad societal level and maintain social order, justice, and safety.	Provide detailed instructions for implementing laws	Implement and enforce laws
Examples	Constitution, criminal code, civil code	Building codes, traffic regulations, environmental standards	Agency policies, procedures, guidelines

2.1.7.1 Laws, Rules and Regulations as a source of ethical guidance

- **Formalization of Ethical Principles**
 - Codification of values
 - Often Reflect ethical principles of society
- **Regulating discretionary powers**
 - Central Civil Services Conduct Rules, 1964
- **Commanding action and inaction**
 - encourage positive action and prohibit negative action
 - Prevention of Corruption Act prevents corruption
 - MG-NAREGA enables social audit
- **Fostering social justice** by providing modern human rights
 - Prevention of Civil Rights Act 1955 prohibits untouchability.
- **Human rights protection**
 - Motor Vehicle Amendment Act, 2019 provides for **good Samaritans** and protects them against civil or criminal actions.
- **Guide ethical behavior** by outlining what behavior is considered lawful or unlawful.
 - Set Minimum Standards for behavior in society.
 - Provides Baseline expectations
 - However, laws are **often seen as a floor, not a ceiling**, for ethical conduct.
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2.1.7.2 limitations of Laws, Rules and Regulations as a source of ethical guidance

- **Not Always Comprehensive**
 - May not cover every ethical issue or dilemma
 - Crisis of Conscience
- **Often lag behind societal changes and advances in technology**
 - Issues related to digital privacy, artificial intelligence, or genetic engineering
- **Lack of social Acceptance**
 - Might have good intentions but society might not be mature enough to accept them.
 - Opposition to Triple Talaq law, UCC
- **Interpretation and Enforcement**
 - Different people may interpret the same law or rule differently
- **People might find loopholes in them.**
- **Legal but not Ethical Dilemma**
- Often influenced by power structures and politics
 - Might favor interests of some over others.
- **Cultural Differences**
 - Impact social acceptance