



Mains Practice Question

Q. Discuss the relationship between law and ethics. How do they complement and conflict with each other? (150 words)

25 Jul, 2024 GS Paper 4 Theoretical Questions

Approach

- Introduce the answer by tracing the essence of laws and ethics
- Delve into Complementary Aspects of Laws and Ethics
- Mention Conflicting Aspects of Laws and Ethics
- Conclude in a balanced manner.

Introduction

“**Ethics begins where law ends**”. **Law and ethics** are closely intertwined systems that guide human behavior and social conduct. While law represents **codified rules enforced by governmental authorities**, ethics encompasses **moral principles and values** that shape individual and societal notions of right and wrong.

Body

Complementary Aspects:

- **Evolving Societal Standards:** Laws and ethics work together to **reflect and shape evolving societal standards**, mutually reinforcing progressive change.
 - **Example:** The **Mental Healthcare Act, 2017** reflects changing ethical attitudes towards mental health, emphasizing rights and dignity of patients.
- **Balancing Individual and Collective Rights:** Both legal and ethical frameworks strive to **balance individual freedoms** with collective welfare.
 - **Example:** The **Motor Vehicles (Amendment) Act, 2019** enhances road safety measures, balancing personal convenience with public safety.
- **Upholding Professional Integrity:** Laws often codify ethical standards for professional conduct, enhancing public trust and accountability.
 - **Example:** The **Medical Termination of Pregnancy (Amendment) Act, 2021** expands safe abortion access while maintaining medical ethics.
- **Environmental Stewardship:** Legal frameworks often embody ethical responsibilities towards nature and future generations.
 - **Example:** The **Air (Prevention and Control of Pollution) Act, 1981** reflects ethical concerns about environmental preservation.
- **Ethical Business Practices:** Laws can enforce ethical standards in business, promoting **fair competition and consumer protection**.
 - **Example:** The **Competition Act, 2002** legally mandates ethical business conduct and fair market practices.
- **Ethics as Moral Compass for Laws:** Ethics provides the moral compass for law, guiding its creation and interpretation.

- For instance, while a business might manipulate invoices to accept cash payments, if he/she is ethical, he/she will **voluntarily disclose potential tax liabilities with integrity**, exceeding their legal obligations.
 - Also, the **Delhi government's scheme**, offering free electricity up to 200 units and a 50% subsidy for 201-400 units, exemplifies this.
- Though legally permitted, the self-declaration requirement of the beneficiary ensures that **ethical behavior can surpass mere legal compliance**.

Conflicting Aspects of Laws and Ethics:

- **Privacy vs. Public Safety:** Laws aimed at ensuring public safety may **infringe on ethical principles of individual privacy**.
 - **Example:** The **DNA Technology (Use and Application) Regulation Bill, 2019**, which allows DNA profiling for criminal investigations (later withdrawn), raises ethical concerns about genetic privacy.
- **Freedom of Expression vs. Social Harmony:** Legal restrictions on speech to maintain social order can conflict with ethical ideals of free expression.
 - **Example: Section 66A of the IT Act (struck down in 2015 Shreya Singhal Case)** criminalized "offensive" online content, conflicting with ethical principles of free speech.
- **Environmental Protection vs. Indigenous Rights:** Conservation laws can sometimes conflict with the **ethical rights and traditional practices of indigenous communities**.
 - Example: Kanha Tiger Reserve, Madhya Pradesh, was established in 1973 for tiger conservation, resulting in the displacement of the **Baiga and Gond tribal** communities from their ancestral lands.
- **Euthanasia and Right to Die:** Legal prohibitions on euthanasia can conflict with ethical arguments for **personal autonomy in end-of-life decisions**.
 - **Example:** Despite the 2018 Supreme Court ruling allowing passive euthanasia, **active euthanasia remains illegal**, conflicting with some ethical views on dying with dignity.

Conclusion

Therefore, Law and ethics often intersect in complex ways. Sheltering undocumented migrants is **ethically commendable but legally restricted**, while denying life-saving treatment due to financial constraints is **legally permissible yet ethically questionable**. A just society must integrate legal compliance with ethical principles, aspiring to higher moral standards beyond legal mandates.