

# **WHAT IS ETHICS, TYPES OF ETHICS, EURO-AMERICAN ETHICS, ETHICS IN OTHER PARTS OF THE WORLD, HISTORICAL INFLUENCES**

## **Unit Structure**

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## 1.0 OBJECTIVE

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- To examine the distinctions between ethics and other sciences
- To elucidate the nature and significance of moral consciousness
- To demonstrate the significance of ethics in the operation of human behaviour

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## 1.1 INTRODUCTION

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Ethics is the study of morality from a philosophical perspective. It is a major subfield of philosophy that correlates to the traditional divisions of philosophy into formal, natural, and moral. It can be expanded into a study of goodness, proper action, practical ethics, meta-ethics, moral psychology, and moral responsibility metaphysics. The study of virtue and appropriate action, in general, is the primary objective of ethics. Its substantive topic is correlative: how rational are we as human beings, and what moral norms should govern our choices and pursuits?

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## 1.2 MEANING OF ETHICS

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The term "ethics" derives from the Greek word 'ethos,' which means "character" or "behaviour." Additionally, ethics is referred to as moral philosophy or philosophical reflection on morality. This morality has been expanded to include actions and behaviours associated with 'good' or 'evil', as well as those associated with particular traditions, communities, or individuals.

The terms 'moral' and 'ethical' are frequently used interchangeably with the terms 'right' and 'good', as opposed to 'immoral' and 'unethical'. It does not signify morally correct or morally desirable, but it does refer to morality.

Ethics is the branch of science concerned with moral behaviour, with what is right or wrong, with what is good or evil in human behaviour. It elucidates the principles that guide human behaviour. It becomes clearer when the origins of the terms right and good are discussed. The term 'right' comes from the Latin word 'rectus,' which literally translates as 'straight' or 'according to rule'. This suggests that we are preoccupied with the concepts that guide our behaviour.

The definition of the term 'right' illuminates one facet of ethics. Rules are a means to an end, and wherever there are means, there must also be an objective or goal. If Right is the means to a goal, the question becomes what should be the end. The answer to this question can be found only by analysing the word 'good,' which is derived from the German term 'gut.' Gut refers to something handy or serviceable for a particular end or purpose. When we say that a particular school is good, we imply that it is beneficial to the education of students.

Thus, in our daily lives, we do not define good as something that serves a purpose; rather, we define it as the purpose or good itself. As a result, we conclude that ethics is concerned with the end or purpose of life. As we all know, there are an infinite number of things that might be considered good in our lives and the lives of others. Ethics as a science is not concerned with the individual's welfare; rather, it is concerned with the supreme goal or ultimate objective toward which the individual's entire life is geared - the 'Summum Bonum'.

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### 1.3 NATURE OF ETHICS

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Ethics is a term that refers to the principles that determine what humans should do, typically in terms of rights, responsibilities, justice, and special virtue. It relates to concerns of propriety - rightness and wrongness, what constitutes ethical behaviour and what constitutes unethical behaviour.

Occasionally, the terms 'appropriate', 'fair', and 'just' are used in place of the terms 'right' and 'ethical'.

A layman may observe that 'pleasure is good' or that 'national prosperity is beneficial'. The situation becomes serious when we connect pleasure or prosperity with goodness. It can be accepted that pleasure or prosperity is a desirable aspect of life. However, no rational person would say that good is defined solely by pleasure or that prosperity is the definition of good. A virtuous man or ethical man was defined by Plato and Aristotle as one who was a good citizen.

In terms of the practical components of the study of ethics, one may argue that ethics is a theoretical examination of moral dilemmas. Such a declaration may be meaningless to the average person. It is said that only experience can deepen the ethical dimension of the human mind and that no amount of theoretical information can potentially raise man's ethical standard. Long ago, Socrates declared that virtue is knowledge. He was attempting to demonstrate that no one can be moral by accident or without a true understanding of the nature of moral action. According to Jaina ethics, which is defined as the practical application of non-violence as the highest virtue, 'knowledge must precede compassion.' These assertions alone demonstrate that understanding virtue is necessary for practising it.

Thus, the theoretical explanation of an ethical problem serves as the bedrock for its practical implementation. Western civilisation has placed a greater focus on material advancement and has maintained a separation of science and religion, as well as metaphysics and ethics. The west's dualistic mindset has ruined individuals' normal lives and led man to the verge of suicide. With man's dominance over nature, his dream of interplanetary travel is becoming a reality. But the average person on the earth is not at peace with himself.

Today's world is rife with doubt and anxiety. The ethical values established thousands of years ago by Indian sages are universal standards that can be followed at any time and are a permanent cure for the evils that have crept into modern society. This is true because these principles were

never considered as simply moral doctrines but as a way of spiritual existence through which both the person and society might evolve harmoniously.

The brief explanation of the nature of ethics demonstrates unequivocally that it is concerned with human existence and that it evaluates human behaviour normatively. That is why many thinkers have established various definitions of ethics. Mackenzie notes that ethics is a broad examination of the ideals at work in human life. According to Dewey, the purpose of ethics is to illuminate what is right and proper in behaviour. According to G. E. Moore, ethics is concerned with the supreme good. All of these definitions suggest that the issue of ethics encompasses human social behaviour. Unless and until we explain the nature of normative science, our understanding of ethics will remain incomplete.

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## **1.4 ETHICS IS A NORMATIVE SCIENCE**

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It is primarily concerned with what should be done rather than with what actually occurs. It is dissimilar to positive science. While positive science is concerned with facts and their causes, ethics is concerned with morals. It assesses the standards or rules by which we can determine if human activity is correct or incorrect. Additionally, logic and aesthetics are considered normative sciences.

### **1.4.1 Ethics is Science of Character**

Unlike scientific and factual science, ethics is a normative science.

Each science is concerned with a distinct branch of knowledge. Thus, ethics as a science has its own subfield. It is concerned with specific judgments we make about human behaviour.

According to Muirhead, "ethics is not only concerned with temporal behaviour; it serves as the foundation for legal decision-making." Ethics, according to intuitive, is the science of right. The fundamental notion is correct. It should be followed in all cases. It is right to act in line with the law, and it is wrong to act in violation of it. Man is obligated to obey the law; this is referred to as duty predominating ethics.

According to Formalist ethics, ethical laws are self-contained. They are not intended to aspire to some other ideal. According to Immanuel Kant, the sole gem is benevolence. He meant that nothing in the world, or even outside of it, is truly good, save for good intent. The conscience is inherent, and it rapidly gains knowledge of right and wrong. According to Teleologist, the supreme element is good; the obligation is for ethical liberation, not for the sake of duty. Laws are not enacted for the sake of law, but to further the common welfare. Adhering to the law is an obligation because it promotes ethical behaviour. Any act is either right or evil in light of the moral standard.

### 1.4.2 Ethics is not a practical Science

Ethics is not a practical science; it merely directs us toward a specific objective. Its path is distinct from that of practical science, which is a means to an end or set of values. For instance, medical science is a technique for eradicating disease's causes. Thus, ethics seeks to determine what the ultimate purpose of life is and how it might be accomplished.

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### 1.4.3 Ethics is not an Art

Art is outcome-driven, whereas ethics is motivation-driven. According to Mackenzie, the ultimate appeal of art is to the work accomplished, whereas the final appeal of morals is to inner peace. Art is particularly concerned with the acquisition of competence in the production of objects. Thus, ethics is distinct from art in that it is predicated on goodness, which is a truly intrinsic goal. Mackenzie emphasises once more that ethics can never be considered an art form because virtue possesses two unique characteristics that are unimportant in art.

To begin, virtue implies action. We cannot see a guy as virtuous unless he is one who not only understands morality but also practises it. In the case of an art, skill predominates over actual activity. In other words, a good painter is the one who can create beautiful works of art; a good man, on the other hand, is the one who acts morally. A good painter is also good while sleeping or travelling.

When a man is asleep or on a journey, he is not a decent man. Thus, goodness is an activity, not a capacity or a potentiality. That is why Aristotle asserts that 'virtue is a form of habit.' It is the habit of making the correct choice. In other words, virtue is the product of a synthesis of knowledge and habit, consciousness and action, mind and volition.

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## 1.5 SCOPE OF ETHICS

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Ethics encompasses its own topic matter. Ethics is a normative discipline that examines moral ideals or what is good in human behaviour. As a moral science, it does not probe into the origins of human behaviour, but rather focuses on the contents and diverse difficulties of moral consciousness, such as reasons, intentions, and voluntary actions.

Each science and discipline has a distinct field of study. It remains within the confines of that subject's scope. Additionally, ethics is a subject of research. Ethics is a problem that affects our daily lives. It is a critical area of study in contemporary times because no human institution can advance without morality. Ethics is the study of the valued goals and values that are necessary for human society's growth, development, and progress.

Regrettably, people have lost the higher principles of life and are obsessed with power and money. According to Prof. Mackenzie, "the materialisation of value has eroded human society's morals."

Thus, morality is a critical aspect of the human personality. The scope of ethics is broad, but it is primarily concerned with the principles or causes of action, such as the following:

- What obligation is universal?
- What is the source of all good deeds?
- A sense of obligation and accountability.
- Both the individual and the society.

The entire issue falls under the purview of ethics.

Let us examine one as an individual and one as a society. Each community has its own set of customs, traditions, ethos, and more. Individuals must adhere to these conventions and traditions. The relationship between the individual and society is a critical issue in ethics. According to some scholars, morality is an individual phenomenon. However, some argue that morality should be guided by the greater good of society. Apart from that, each individual must have his/her own moral code. This is what we refer to as life principles.

A code of conduct of this nature should be self-imposed. We can use ethics to assist us in framing this code. Second, there are specific societal obligations and responsibilities. Ethics can help us become aware of them. Thus, ethics is a manual of moral principles.

Human beings possess unique power of pure reason. They have a conscience distinct from consciousness. According to Aristotle, man is a 'social animal.' It entails requiring human intervention in order to maintain sociability. And their opposing survival and dominance inclinations constantly force him to confront the dichotomy of selfishness and altruism. Thus, ethics has served as a tool for the individual's moral superiority to develop amicable relationships with others in the present and future. Whenever human behaviour is in operation, ethical issues may arise. These spheres can be classified into four broad categories:

- Moral
- Religious
- Social
- Political

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## 1.6 IN MORALE SPHERE

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Ethics tries to conduct a critical examination of the numerous ideas that have been promulgated, occasionally promoted by various thinkers. It explained the many qualities and vices manifested by men in their interactions with others. It has been claimed that a life of virtue can benefit both individuals and society - that a man who lives a life of virtue will also

be a good citizen. A life of virtue is often referred to as a rational life. Thus, moralists' primary interests have been virtue and reason. Moral growth is only conceivable when this oneness is fully expressed in the behaviour of its members.

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## **1.7 IN SOCIAL SPHERE**

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As is well known, each community has its own set of institutions, customs, and norms.

However, with time, they begin to exert an unfavourable influence on the minds of the populace. Ethics enlightens us morally and demonstrates how they should be reformed. As another social institution, the family must contribute to the moral development of the kid. Additionally, it is prone to numerous prejudices, which may have a detrimental effect on the minds of its members. Rather than encouraging sound moral traditions and practices, it may sway the minds of its members. Ethics is a powerful tool for addressing all of these concerns of moral and immoral influences, attitudes, and practices that affect man's social aspect. The concept of value is central to ethics.

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## **1.8 IN RELIGIOUS SPHERE**

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As is well known, each community has its own set of institutions, customs, and norms.

It is largely concerned with issues such as God's existence, the immortality of the soul, and religious consciousness. Indian ethics has always been viewed as a religious discipline aimed at achieving salvation (Moksha). Even in the west, certain thinkers such as Kant and Spinoza viewed ethics as a practical discipline that conveys human life's basic existence. Religious effects are constrained by pre-established moral and spiritual standards. Religion and morality are inextricably linked. In the sphere of religion, morality promotes higher values and qualities. Thus, it is quite beneficial in purging religion's dogmatism.

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## **1.9 POLITICAL CONSIDERATION**

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Moral behaviour is political in nature. All political considerations are ultimately evaluated in light of the people's moral ideals. Institutions such as democracy, fascism, and communism, among others, must be subject to the rule of law, and ethics must take precedence. After all, an ethical style of life reflects human personality.

As such, it is apparent that ethics is concerned with social, theological, moral, and cultural questions that pertain to the pursuit of the highest good. It covers new issues in the modern era, as a result of the introduction of new technologies, which has increased the burden on ethical philosophers.



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## 1.10 TYPES OF ETHICS

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### **Moral Realism**

Moral realism is predicated on the belief that the cosmos contains objective moral facts or truths. Moral assertions provide empirical evidence for such facts.

### **Subjectivism**

Subjectivism maintains that moral judgments are merely expressions of an individual's feelings or attitudes, and that ethical formulations do not contain objective truths about goodness or evil.

In further depth, subjectivists define moral assertions as expressions of a person's or group's feelings, attitudes, and emotions concerning a particular problem.

When someone says something is nice or awful, the person is informing us of his/her positive or negative feelings about it.

Therefore, when someone says 'murder is bad,' they are expressing their disapproval of murder.

These assertions are accurate if the individual possesses a suitable mindset or feelings. They are untrue if the individual does not.

### **Emotivism**

Moral claims, according to emotivism, are nothing more than emotions of approbation or disapproval. This sounds like subjectivism, but in emotivism, a moral statement expresses rather than conveys information about the speaker's feelings about the subject.

When an emotivist says "murder is wrong," it's equivalent to saying "down with murder" or "murder, yecch!" or just stating "murder" while pulling a terrified expression or simultaneously making a thumbs-down sign.

Thus, when someone makes a moral judgement, they express their emotional response to something. Additionally, some theorists argue that when someone expresses a feeling, they are instructing others on how to behave toward the subject matter.

### **Prescriptivism**

According to prescriptivists, ethical declarations are directives or recommendations. Therefore, when I say something is good, I am advising you to do it; when I say something is terrible, I am advising you not to do it.

Any real-world ethical statement nearly always contains a prescriptive element: any ethical statement may be turned (with some effort) into one



that contains an 'ought.' For instance, "lying is wrong" can be rephrased as "people should refrain from telling lies."

### **Where does ethics originate?**

Philosophers offer a variety of responses to this question:

Religion and God

Conscience and intuition are inherent in humans

A logical moral analysis of the costs and benefits of acts and their consequences

The illustrious example of upright human beings

A desire for the best possible outcome for individuals in each given situation  
Political influence

### **Supernaturalism**

Supernaturalism renders ethics inextricably linked to religion. It teaches that God alone is the source of moral rules. Thus, something is good if God declares it to be so, and the only way to live a decent life is to do what God desires.

### **Intuitionists**

Intuitionists believe that good and evil are objective, unbreakable characteristics. Something is excellent simply because it is; its goodness does not require justification or proof.

Adults can perceive virtue or evil, according to intuitionists; they assert that human beings possess an intuitive moral sense that permits them to discern true moral facts.

They believe that fundamental moral truths about what is right and wrong are self-evident to anybody who applies their thoughts to moral concerns.

Thus, good things are those that a rational person recognises as such after deliberating on the matter.

Avoid becoming perplexed. To the intuitive:

Moral truths are not discovered through deductive reasoning.

Moral truths are not found based on gut feeling.

Moral truths are not learned by the exercise of emotion.

It's more of a moral 'aha' moment - a moment of recognition of the truth.

### **Consequentialism**

This is the ethical framework that the majority of non-religious people believe they follow on a daily basis. It establishes morality based on the

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basis of the consequences of human actions, rather than on the actions themselves.

According to consequentialism, people should do whatever causes the largest number of beneficial consequences.

'The greatest good for the greatest number of people' is a well-known way of saying this.

The most prevalent kinds of consequentialism are various variants of utilitarianism, which emphasise acts that maximise happiness.

Despite its evident common-sense appeal, consequentialism is a sophisticated theory that does not resolve all ethical dilemmas.

Two difficulties with consequentialism are as follows:

This can lead to the belief that certain truly heinous behaviours are beneficial.

It is frequently exceedingly difficult to forecast and evaluate the implications of one's actions.

### **Virtue ethics**

Virtue ethics is concerned with virtue or moral character rather than with ethical obligations and rules or with the consequences of actions - fact, some members of this school deny the existence of universal ethical principles.

Virtue ethics is more concerned with how individuals conduct their lives than with evaluating specific behaviours.

It expands on the concept of good acts by examining how virtuous people exhibit their inner goodness through their behaviours.

Simply defined, virtue ethics argues that an action is right if and only if it is an action that a virtuous person would do in the same circumstances and that a virtuous person is someone who possesses exceptional character.

### **Situation ethics**

Situation ethics opposes prescriptive norms and says that ethical decisions should be made on a case-by-case basis.

Rather than according to regulations, the decision maker should be motivated by a desire to do what is best for the individuals concerned. There are no moral standards or entitlements; each case is unique and requires a unique resolution.

### **Ideology and ethics**

According to some philosophers, ethics is the codification of political ideology to state, enforce, and preserve particular political convictions.

They frequently continue by claiming that the dominant political class uses ethics as a tool to exert control over the rest of society.

Cynics argue that power elites impose an ethical code on others to aid in their control, but do not apply it to their own behaviour.

### **Check your Progress**

- 1) Discuss Ideology and ethics and their importance
- 2) What are virtue ethics?
- 3) Who are Intuitionists

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## **1.11 EURO-AMERICAN ETHICS**

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Americans are slightly more likely than Western Europeans to believe that military force is sometimes necessary to maintain global order. Additionally, Americans, more than their Western European partners, believe that gaining UN approval before using military force would make dealing with a worldwide danger prohibitively complex. And Americans, with the exception of the French, are less motivated to assist other nations than Western Europeans.

This section compares global value systems. We shall analyse Europe's, Asia's, North and South America's, and Africa's value systems. Following that, we shall compare various value systems on a worldwide scale. At this point, we adopt a descriptive moral relativism framework: following "an empirical thesis that may be confirmed or rejected in principle by psychological, social, and anthropological research."

When considering a definition of "value system," we refer to the following: "A value system is a way of conceptualising reality that encompasses a consistent set of values, beliefs, and corresponding behaviour and can be found in individuals, businesses, and societies" and "when a number of critical or pivotal values pertaining to organisational behaviours and state-of-affairs are shared across units and levels by members of an organisation, a value system is formed."

As has long been the case, American values diverge significantly from those of Western Europeans. Americans, in particular, are more independent and less supportive of a strong safety net than their counterparts in the United Kingdom, France, Germany, and Spain. Additionally, Americans are significantly more religious than Western Europeans and are more conservative in their attitudes about homosexuality.

Value systems are claimed to exist inside all types of organisations, including businesses, interest groups, and political organisations.

### **1.11.1 Europe's Ethical Values**

Numerous attempts have been made to demonstrate major value systems in Europe and/or the world. Europe is characterised by a diversity of value systems associated with religious and ideological denominations.

To begin, the largely protestant continent of Europe is considered having a separate value system, with a strong emphasis on self-expression and secular-rational principles. These ideals are more modest in the primarily Catholic region. Another significant division in Europe is between ex-communist and non-communist countries.

The implementation of a political system such as communism has an effect on people's value preferences; this is partly due to the social-economic constraints imposed by such a system. The English-speaking area of Europe is seen as having a distinct value system because of its comparatively high self-expression values but low secular-rational values.

Arguably, the European enlightenment shaped the prominent characteristics of the European value system. The enlightenment ushered in a transition away from traditional values and toward secular rational values. A development happened in response to this cultural shift in thought, culminating in the concept of human rights, which was heavily influenced by thinkers such as Kant and Locke. A critical concept in this regard is the centrality of human dignity in the European value system, defined as the capacity of humans to self-regulate morally.

Justice, solidarity, equality, dignity, citizen's rights, liberties, and sustainability are fundamental European ideals that stem from Europe's intellectual heritage.

According to the Eurobarometer poll, the qualities most valued by EU citizens are "tolerance, respect, and a sense of responsibility." The ESS scale identifies seven basic European values: security, self-direction, stimulation, hedonism, and coupled values of tradition/conformity, universalism/benevolence, and power/achievement.

### **1.11.2 Africa's Ethical Values**

There is no such thing as a "one" African culture or society. Africa is large, with 54 separate nations, a population of 1.02 billion, and over 3,000 ethnic groups. Along with French, English, Portuguese, German, Spanish, and Italian, the country is home to over 1,000 indigenous languages.

The United Nations Statistics Division classifies the continent into five geographical subregions: 1) Northern, 2) Western, 3) Central, 4) Eastern, and 5) Southern Africa.

However, a significant distinction should be made between countries north of the Sahara and those that comprise what is referred to as sub-Saharan Africa.

While the history of Africa in the north of the Sahara (predominantly Arab countries) has been inextricably linked to that of the Mediterranean basin, the south developed its own traditions that remained largely unaffected by external influences until the age of European geographical explorations in the 15th and 16th centuries. Significant regional survey projects that shed light on societies'

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Political and cultural values, on the other hand, are cognizant of the aforementioned split. There is a contrast between Afrobarometer, which examines sentiments in Sub-Saharan Africa, and the Arab Barometer, which monitors events throughout the Arab world, including North Africa.

African morality is humanitarian, societal, and duty-driven. Humanism - as an ideology that prioritises the welfare, interests, and needs of humans - is central to Africa's moral system. Such a morality, centred on concern for the welfare and interests of each community member, would logically be a social morality dictated by social life. Because each human being is born into an existing human civilization, sociality is considered natural to the human person. As a result, each individual has a social and moral role to play in the form of obligations, commitments, and duties to other community members. The African moral system elevates the concept of obligations to a level comparable to that accorded to the concept of rights in Western ethics. The African Charter on Human and Peoples' Rights expressly mentions duties, in contrast to comparable agreements that emphasise primarily rights.

### **1.11.3 Latin America and its constituent countries**

The United Nations Statistics Division divides the continental region of Latin America and the Caribbean into three geographical subregions: a) the Caribbean, b) Central America, and c) South America. Latinobarómetro, an annual public opinion survey conducted in 18 Latin American nations, identifies two primary Latin American sub-regions as a) Central America and b) South America and Mexico. The AmericasBarometer, a comparable poll that seeks to quantify democratic values and behaviours across the Americas, also distinguishes between Central and South America.

### **1.11.4 Asia's Ethical Values**

Asia, according to the world's cultural map, does not occupy a unified location but is rather separated into distinct regional value systems. A sizable portion of North East Asia is culturally represented by the "Confucian" value system. As so, it is the only region defined by the influence of a single thinker, Confucius. However, Confucian traditions are extremely diverse, and the common denominator of this value system is reportedly found in Confucian education and the spread of ethical ideals, rather than in cultural homogeneity.

Confucian secular ethics is founded on the following principles: self-cultivation, virtue ethics, character development through education, family emphasis, and organic solidarity.

Additionally, the Confucian tradition is defined by a hierarchical social structure and reciprocal obligations between superior and subordinate. Confucianism is a secular ethical framework that has adopted elements of Western enlightenment thinking at various stages.

As a result, this may explain why Asian Confucian civilizations score highly on secular/rational values. Japan is an anomaly in terms of self-expression ideals when compared to other Confucian countries, owing in part to its rapid economic expansion following World War II. South Asia, which encompasses South, Central, and Southeast Asia, is the other value system in Asia seen on the cultural map. One feature that distinguishes the countries included in this value system is their populace's high level of religiosity.

Islam has had a major influence on Indonesia and Malaysia's public morality. This may account for the fact that the countries within the South Asia value system score relatively highly on traditional values. Israel is an exception in this region, owing to the fact that a sizable portion of its population has recently relocated from Western countries.

While a large portion of Russia's geography is considered to be Asian, it also maintains an outlier position on the cultural map as a result of its (ex)communist value system. A probable explanation for its rank, which includes a high score on survival values, is its unstable economic progress following the Soviet Union's fall.

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## 1.12 HISTORICAL INFLUENCES

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The term ethics is used in three different but related meanings, signifying

- 1) a general pattern or "way of life,"
- (2) a collection of rules of action or "moral code," and
- (3) inquiry regarding ways of life and rules of conduct.

In the first meaning, we speak of Buddhist or Christian ethics; in the second, we speak of professional ethics and unethical action. In the third meaning, ethics is a discipline of philosophy that is sometimes given the particular label of metaethics. The present discussion will be limited to the history of philosophical or "meta" ethics, for two reasons. First, since it is difficult to cover, with any degree of depth, the history of ethics in either of the first two senses. Practices and the codification of practices are the threads out of which all of human civilization is spun, such that the history of ethics in either of these definitions would be far too big a subject for a single essay. Second, although ethical philosophy is often understood in a broad way as including all significant thought about human conduct, it can well be confined within manageable limits by separating purely philosophical thought from the practical advice, moral preaching, and social engineering that it illuminates and from which it receives sustenance. This distinction, while somewhat artificial, makes sense of the

prevalent notion that philosophy in general, and ethical philosophy in particular, was invented by the Greeks.

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### Check your Progress

- 1) Discuss Asia's ethical values.
- 2) Discuss Africa's ethical value
- 3) Discuss Europe's ethical value

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## 1.12 SUMMARY

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What do we or should we mean by "good" and "bad"? What are the proper standards for judging good and bad? How do value judgments differ from and rely on factual assessments? When these issues are answered, it is critical to distinguish between value judgments that are beneficial, right, moral, and just. So our topic is the meaning and standards of good in general, and of well-being, correct action, moral character, and justice in particular. These are not watertight compartments. Many philosophers reject categorical distinctions. To disentangle the different issues on which philosophers have taken competing positions, the history of ethics might be regarded as irregular progress toward comprehensive clarification of each form of ethical judgement, their inherent essence.

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## 1.13 QUESTIONS

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1. State the meaning and nature of ethics.
2. Discuss in detail 'Ethics as Science'.
3. Explain the scope of ethics.
4. Discuss in detail the types of ethics.
5. Write short notes on:
  - a. Euro-American ethics
  - b. Asia's ethical values

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# WHAT DO THE RELIGIONS OF THE WORLD SAY ABOUT ETHICS, WHAT IS THE NATURE OF TRUTH

## Unit Structure

### 2.0 Objective

#### 2.1 Introduction

#### 2.2 Why study religious ethics

##### 2.2.1 Some moral issues in the philosophy of religion

#### 2.3 Moral Arguments for Theism

#### 2.4 If secular naturalism is true, what would happen if it was true for everyone?

#### 2.5 Main types of Truth of Religion

#### 2.6 The truth about different types of religion

#### 2.7 Summary

#### 2.8 Questions

#### 2.9 References

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## 2.0 OBJECTIVE

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To give students of Communication and Journalism a good overview of ethics in religion;

to help them understand ethics around the world;

and to help them think about how different religions practise truth in different ways.

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## 2.1 INTRODUCTION

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Religious ethics is about what is right or wrong, good or bad, virtuous or wicked, from a religious point of view. The definition of "religion" isn't clear. Religions are any traditions that are like Judaism, Christianity, Islam, Hinduism, or Buddhism. This definition is one that the Supreme Court likes, but it doesn't agree with all of these examples.

More specifically, religion is a tradition and practice that is based on a belief that God or Allah or the Tao or Brahman is real and important, as well as the belief that sin and vice can be overcome through grace,

meditation, practices, and living in harmony with what is real and important. People who are Christians may be inspired by Jesus' radical teachings, like how to love your neighbours or be kind to people who are bad for you.

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## 2.2 WHY STUDY RELIGIOUS ETHICS?

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The majority of the world's people say that they belong to some kind of religion. While the U.S. Supreme Court said that people can't be forced to pray, it also said that "it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the progress of civilization." People who don't study world religions don't learn about a very important part of human history and how we live in the world today.

In the United States, most people don't know very much about other religions. Only 38% of adults in the US know that Vishnu and Shiva are gods or other divine beings in Hinduism. Most people don't know the Five Pillars of Islam or the Four Noble Truths of Buddhism. Only 50% of adults in the US can name one of the four gospels in the Bible. If you want to work in international relations or in a religiously diverse environment (medicine, law, business of any kind, politics, governance, architecture, the arts, and more), you need to have a good understanding of the world's religions to do your job.

There is no evidence that people around the world are less likely to identify themselves as religious. Islam is still growing, and while Christianity has died out in some European countries, it is still the most common religion in the world, even though Islam is growing faster. About 40% of Africans are Christian, and 40% are Islamic. About half of the world's people are Christians and Muslims, and there are about a billion Hindus, too.

In the mid-20th century, sociologists said that modernity (more education and technology) would lead to a secular age. While some "new atheists" think that many religious people aren't well-educated, studies show that this isn't the case. Religious people, on the other hand, have better education credentials than most people.

It's also possible that one or more religious worldviews are true. This is another reason to study religious ethics. Most religions think of the universe as a place where we have a responsibility to each other, to care for the vulnerable, and to do what is right. All the world's religions say that evil and sin should not exist. They also say that illusion, greed, and cruelty should not be there. If this religious view of values is true, there's a good reason to look into the coherence, resources, promises, and challenges of religious ethics to see if they make sense.

Religion might be an important source for ethics because secular naturalism doesn't seem to be a good enough foundation for ethics, and it isn't clear if secular naturalism can be good enough.

Reason holds a high place in both Buddhism and Jainism. Right faith is ranked first among the three jewels in Jainism. Before obeying the principles, one should utilise reason to determine their validity and worth. The use of human reason is neither forbidden nor rejected in Buddhism. The four noble truths must be followed, however, Buddha states that wherever there is a dispute, questions can be asked to clear up any concerns.

What do the religions of the World say about ethics, what is the nature of truth

The reason is given a higher role in modern Hindu thought, particularly in the concepts of Vivekananda and Gandhi. For them, reason is not the source of moral concepts, but they do believe in the importance of reason in moral problems. As a result, the Vedas and Smritis are assigned the principal role as the fundamental source of morality in Indian tradition, but all of the above-mentioned texts also played roles in deciding the topic of morality and immorality in Indian tradition.

Studying religious ethics is also a good idea because the interfaith dialogue is so important in our political system, as well as in our daily interactions with each other.

### **No, ethics doesn't need God.**

People who are both theists and atheists think that if there is no God, right and wrong, good and bad, are all up to the person making them. "Without God, everything is allowed." That's what the Devil tells Ivan in the book *The Brothers Karamazov* (Dostoevsky 1990: 643). People like J.L. Mackie, Michael Ruse, Bertrand Russell, and Jean-Paul Sartre seem to agree that this is a good thing. If there is no God, "there are no moral facts."

### **Is this a reasonable idea?**

Suppose you only thought about what is best for natural selection. If you thought about what is best for evolution, you wouldn't be able to base your ethics on something that is truly authoritative. When Michael Ruse, an evolutionary biologist-philosopher, says that if it was good for us to live in the dark, eat each other's faeces, and eat the dead, then we would see this as noble, good, and right. Charles Darwin agrees with this:

No one would intervene if, like worker bees, our unmarried women believed it was their duty to kill their siblings and mothers attempted to kill their fertile daughters. Nonetheless, the bee or any other social animal would develop a sense of right and evil, or a conscience in our case. It would have been preferable for the animal to obey one of its instincts rather than the other. One course of action would have been correct, while the other would have been incorrect. The number 99 appears in Darwin's 1882 book.

People like Darwin and Ruse believe that survival would be enhanced if individuals collaborated, took care of one another, etc. If they were true, it would be because of how well things worked out for them in the long

term. There is no space for any form of justice to be good if it is not beneficial to the organisms that employ it.

Darwin's belief that humans would be better off if the powerful allowed the weak to die so they could grow stronger is regrettable to many of us.

Because we have an instinct for sympathy, we feel compelled to assist those who cannot aid themselves. This instinct was initially a component of our social instincts, but it has become more delicate and widespread over time. No, even if we were told to cease being kind for a compelling reason, we could not do so without harming the finest aspects of our nature. We must accept that the weak will survive and pass on their genes, but there is at least one tick in the form of the weaker and less affluent members of society marrying less frequently than the more affluent. This check could be even more effective if the physically or mentally feeble did not marry. On pages 168 and 169, Darwin wrote about this.

Still, one can be a non-believer and still believe that ethical values are true because they came about through natural processes, just like objective mathematical reasoning came about in human thought through these same natural processes. There aren't any of the following reasons to think that ethics needs some kind of theistic grounding:

Only people who believe in God can tell what is right and wrong.

Most religions, including Christianity, don't believe this. Atheists, agnostics, and people who don't believe in God can tell what is right and wrong.

To be truly good, one must believe in God.

Others say that God has made a world where people can know right from wrong and be good even if they don't believe in God.

To know what is good and what is bad, you need to read the Bible or some other religious text telling that to you.

According to the Bible, people can know what is good and bad without needing special help to figure it out.

The Bible is the best source for morals.

If you read the Bible, you have to be very careful when you do this.

Following these other positions, there are also a number of theistic proposals that one needs to know about, too. There are a lot of people who believe that God is good, but not everyone agrees. I don't know what this means. "Goodness" can be seen as a positive thing.

X is good if it is better for X to be there than not be there. That's why, in this case, X is rightly loved and preferred to X's not being there.

In one religious tradition, God is the best thing that can be thought of or the best thing that can't be better than God. Classical Judaism,

Christianity, and Islam believe that God is omnipotent, omniscient, omnipresent, intangible, eternal (without beginning or end), and necessary to exist, which makes God worthy of worship. These other attributes make God worthy of worship. Christians also believe that God is three-fold (exists as a trinity, including God incarnate). If you believe in a God who cares about morals, aesthetics, and religion, it makes sense to think that God would make and keep a universe where there is life, including conscious life that has these kinds of thoughts (a sense of the sacred).

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### 2.2.1 Some moral issues in the philosophy of religion

Evil: If there is a powerful, all-good, and all-knowing God, then why do there have to be bad things?

There is evil. When someone says that there is a God, they usually make an argument that is either a deductive one or one that is likely. People who use deductive arguments say that there is no way to believe in God and still have evil. If there is a lot of bad in the world, probabilistic arguments say that it is unlikely or unlikely that God is real because there is so much bad. A theodicy tries to solve the problem of why there is evil in God's world.

Does X have to be right because the gods like it? Or do the gods like X because X is right? In Plato's Euthyphro, this question comes up. He thinks the gods like good things because they're good.

Does ending a foetus's life break the sacredness of human life? The Roman Catholic position is that the personhood of the foetus is established as soon as it is born. People from different religions have very different views on the issue.

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## 2.3 MORAL ARGUMENTS FOR THEISM

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If you believe in God, you should be able to deal with some aspects of your moral experience better than if you don't. Most people say moralrealism, which is the idea that there are objective or mind-independent moral facts, needs theistic metaphysical or epistemological underpinnings, but this is not always true.

When Immanuel Kant said that if there is no God, then there are certain moral requirements that can't be met, like that the moral good of virtue and the natural good of happiness should meet and become perfect in a "highest good." Hastings Rashdall and W.R. Sorley, two Idealist philosophers who lived in the early 20th century, said that an objective moral law needs an infinite mind in which to live if it is to have full ontological status. In a series of talks for the BBC during World War II, C.S. Lewis made a version of this argument that was more popular. It was later published in his book, Mere Christianity.

Lewis said that our conscience tells us about a moral law that can't be found in the natural world, which points to a supernatural lawgiver who made it. Moral obligation is best explained by looking at the rules of a

loving God, says philosopher Robert Adams. Moral values in general can be thought to show what God is like. An atheist philosopher J.L. Mackie said that metaphysical naturalism would make it impossible for us to know objective moral facts and how we know them.

Thus, he gave more importance to metaphysical naturalism than to the existence of moral facts. The argument is open to being changed: In the sense that we believe in moral facts, we should not believe in naturalism and instead believe in something like theism. Other people say that metaphysical naturalism doesn't work well with strong moral realism.

If a naturalist is committed to a Darwinian history of morals, that might lead to moral scepticism on the part of the naturalist. According to theists, moral faculties are meant to help people understand moral truths, which is different from how they would be on naturalism. One might say that there is no good theory of normative ethics that fits well with a naturalistic worldview. For example, one might say that our moral judgments are linked to our belief in natural and inviolable rights.

This would be "nonsense on stilts" because of the metaphysics of naturalism. If you want to understand the intrinsic value of people, you might think about them in a theistic way, where the ultimate axiological and metaphysical thing is a person.

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## **2.4 IF SECULAR NATURALISM IS TRUE, WHAT WOULD HAPPEN IF IT WAS TRUE FOR EVERYONE?**

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There is no purposeful structure in the universe, or, as Richard Dawkins puts it, "there is, at the bottom, no purpose, no evil, and no good. There is nothing but blind pitiless indifference." Is it natural or likely that there would be good and bad states in the world as a whole? It's not likely that moral properties would have come about on their own without an all-powerful god making them. Mackie is an atheist, which means that he doesn't believe in God and thus doesn't believe in moral properties as well.

### **As we evolved, so did our ethics**

Evolutionary theory is the source of ethics. This has the problem that evolutionary theory doesn't seem to say that if a form of life survives natural selection, it must be good or virtuous or more ethical than other forms of life that don't, but it doesn't seem to say why. Darwin said that in humans, compassion and ideals of fairness will help them to stay alive, but he also said that they might not. Some environmental ethicists say that Darwinian and neo-Darwinian evolution can give people a reason to think that non-human animals deserve more moral attention than if they believe that species were all created separately. Richard Dawkins, for example, thinks that evolutionary theory and ethics are not compatible with Christianity. Michael Ruse, on the other hand, thinks that there is no fundamental difference. It is about how people think about the truth, religion, and the truth of religion



If the question of whether or not a religion is true is being asked about any type of religion, not just monotheistic ones, it needs to be looked at on a broad level. There must be at least four groups: religion, truth, the truth of religion (religious truth), and the study of religion. None of them is clear or unambiguous, and this makes it almost impossible to talk about all the different ways they could be used.

What do the religions of the World say about ethics, what is the nature of truth

### **1) The idea of religion.**

The term "religion" is used in everyday life by people in western cultures, and at the heart of their use is a common human experience of the world. However, we don't seem to have a scientific or philosophical definition of religion that would cover all situations and ways of talking about religion and religious phenomena.

In sociological terms, religion is a complicated cultural situation that includes cult (rite, worship), a doctrine, and a way of running things. The doctrinal part of a religion is also hard to figure out because it is made up of a complicated and long-running set of beliefs that have been developed over time by generations of people who believe in it. Because there are debates about whether or not religion is true and how religious truths should be interpreted not only among people who follow different religions but also within the same religion. This makes the whole thing even more complicated.

### **2) The idea of truth.**

The (philosophical) nature of truth is also hard to explain. People who study religion can choose from many different philosophical theories and definitions of truth, both classical and non-classical, when they ask about the truth of religion. According to the classical correspondence theory, truth is when things and your mind are in line with each other. According to the coherence theory, a proposition is true if it fits in with a group of other propositions. According to the pragmatic theory, truth is what we want to do, and human action is the standard for truth. Today, there are more popular "deflationary" theories of truth, which say that truth isn't important in theory and that the classical theory is wrong. All of these definitions of truth can be used in some way when studying religion, and each of them has its own problems. The goal is to find a definition of truth in religion that could be used by any religion.

### **3) The idea that religion is true.**

This is the first time we're going to look at the different ways we can say "religious truth." It's hard for each of them. In the world of religions, "truth" can mean a lot of different things. It's possible to think of religious truth as a feature of religion in general or just one religion. A propositional truth is what we're talking about when we talk about religious truth. In this case, religious statements (dogmas, like the church's teaching) are made to be true by the church through strict religious reasoning. The question now is how to think about the truth of religion as a doctrinal system in the same way that the truth of a scientific theory is thought about.

In the study of religion, we see that there are two kinds of truth: the truth that is inside the religion and the truth that is outside the religion. The extra-religious truth is about historical events that can be proven from the outside even if you don't believe in that religion, like the fact that Jesus Christ and Muhammad were real. Interreligious truth deals with the supernatural content in religious beliefs. It can only be found from inside a given religion by a believer who has had an experience with God or who looks to the authority of the religious founder. Isn't what we believe about God in Christ something we say about how things have been?

Different religions have different meanings when it comes to the question of whether or not religions are true. Religion is a broad term that can refer to many different types of religions, such as the religions of tribes, the religions of non-literate people, the religions of ancient civilizations like Babylon and Egypt, the religions of China, and the religions of Judaism, Buddhism, and Islam. It can also refer to religions that are polytheistic, henotheistic, or monotheistic, as well as religions that are eclectic and syncretic (New Age religions).

The concept of truth is easily applicable to monotheistic religions. In contrast, ancient religious myths cannot be used to implement this concept. What do you think about comparing the ancient Greek and Roman religions to the Babylonian worship of the stars and moon? The cult of Mithra in Iran Is this a reference to the religions of Mazdeism and Zoroastrianism? How can the concept of truth be applied to contemporary atheistic "religions" that lack a transcendent object of devotion or those that only act as religions (Scientology, psychoanalysis, and psychotherapy)? Esoteric religions, such as Buddhism, Vedanta, and Christian Gnosis, further complicate the issue of religious truth. There are two types of truth, according to these religions: surface truth and profound truth. Then, there is a truth that cannot be conveyed in any language and is only accessible to those who are knowledgeable. Also, it can be difficult to discuss supernatural religious truth because its reference point is distant and may require analogy.

### **Check your Progress**

- 1) What is the idea of truth?
- 2) What is theism?
- 3) What are the moral issues in the philosophy of religion

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## **2.5 MAIN TYPES OF TRUTH OF RELIGION**

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The question of whether a religion is true, especially Christianity, has a lot of different assumptions: ideological, philosophical, theological, religious, and so on. It can also have many different meanings, such as cultural, epistemological, sociological, psychological, historical, substantial or functional, objective or subjective, and so on and so forth. Religious truth was thought of as being historical and doctrinal truthfulness, as well as credibility (reliability), authenticity, completeness (exclusion), and

meaning (existential significance). In what follows, I explain these words, but I don't figure out how they work together.

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**1) The truthfulness of religion in the past.** It's true that each of the religion that has been around for a long time has a history. In more specific terms, historical truthfulness refers to the religious tradition's origin, identity, institutional and doctrinal continuity, as well as the historicity of its founder and its Holy Scriptures, which make it unique and keep it true to itself. Usually, at the start of a religious group, there is a charismatic leader, like Moses or Buddha. The leader then draws in followers who try to follow the leader's teachings faithfully. This kind of historical truth about religion only applies to a small group of traditions that have well-defined origins and a history that can be found in books.

**2) The truth about religion.** The doctrinal dimension of religion is what most people think of when they talk about the truth of religion. This is the part of a religion that is covered by oral or written tradition in the form of religious statements about the supernatural and natural world. In every religion, people have hopes for the world to come after this one. Here, religious truth is thought of as knowledge that points toward the ultimate deepest reality, which can be called God, Dharma, Tao, the Sacred, and so on. People believe religions are true because they say there is a real thing called a transcendental, supernatural, or sacred thing.

When it comes to truth, there's a big question: How can it be used when the object of beliefs isn't an ordinary object in a subject-object relationship and can't be checked out by other people? Furthermore, religious truths are thought to be infallible and eternal, which makes them very different from scientific statements that are only hypothetical. Truths that promise something that can only be fulfilled in the supernatural life to come are also very different from scientific statements that are only hypothetical.

There is also a problem with orthodoxy (heterodoxy) and how it is judged. Orthodoxy when it comes to religious life means having the right beliefs that come from a sacred, more or less official source. All of the main religious traditions know about orthodoxy, even though they use different words to describe it. Each tradition is interested in its own orthodoxy and has set up its own rules for accepting orthodoxy and rejecting non-orthodoxy. In most religions, the Bible and Koran are used to show what is acceptable and what isn't. For example, people who believe that the Bible and Koran are infallible, as well as people who believe that the bishop of Rome is the main authority.

There are some religious traditions that have very strict rules about purity and conformity. On the other hand, there are religious traditions that don't have an official creed, like Judaism, Hinduism, Confucianism, and Islam. There are also traditions that emphasise morality and ritual rather than orthodoxy. Religions from all over the world let people have different beliefs as long as they don't break the rules. The traditional Chinese didn't think it was weird that he had more than one religion in his life at the same time. In addition, the level to which unorthodoxy is considered a big deal

varies both across traditions and in the history of a single tradition because the beliefs that are important over time change in the same tradition.

**3) The reliability of religion.** In one sense, "credibility" refers to religious statements about what happens after this life. Proof that religion is old isn't enough to show that it was true long ago (for instance that Christ existed and founded the Church). Whether or not that religion can keep its promises about individual resurrection and life after death is still up in the air. "Eschatological verifiability" (J. Hick) in life after death at least partially solves the question of whether Christianity is true. This truth comes from its ability to make us right with God and make us happy forever by getting rid of our sins. People who believe in religious truths are judged on the basis of arguments that are specific to religion and on theological methods. People who believe in a certain religion can show how strong their faith is by living their lives and sometimes dying for their beliefs.

**4) The fact that religion is real.** Here, the question is how to tell real religious things from things that aren't real at all. This distinction already has the idea (definition) of true religion, which could be used as a litmus test to find things that are religious. There are some things that make an unauthentic religion seem like a real religion, but for other important reasons, it is not a real religion. Unfortunately, scholars don't agree on what makes a religion true. This is especially true because religion is an important part of the culture. The question of what makes religious things different from other cultural things is at the heart of the issue of how to define religion. Culture and religion are two different things in western cultures, but there are other cultures that don't make this difference very clear.

Another way to think about the authenticity of religion is to think about religious doctrine as being true to a given religion, rather than being unorthodox, heterodox, or heretical.

**5) The exclusivity of religion.** There is a way to think about the truth of religion that makes it seem unique and special. People who believe their religion is the only one think all other religions are false, or at least not true. This kind of exclusivity is found in Christianity, Judaism, and Islam, but even more so in Judaism and Islam. The Catholic Church believes that it has the whole truth because it sees Jesus Christ as God's revelation. It says that outside of the church, there is no salvation. From this place, the Catholic Church has always fought against other religions in the past. In contrast, the "historical-religious" school (E. Troeltsch) that came out of liberal Protestant theology at the end of the XIX century said that God's revelation is found in every religion and that the relative absoluteness of Christianity can only be proven through historical comparison.

**6) Integrity (continuity) and soundness (reason) in religious belief.** Because religious beliefs are an important part of almost every religion, the question of whether religious beliefs are true or not is a question of whether they are logical. The consistency of beliefs (propositions) is a sign

of being rational. However, a religious system could be perfectly consistent and not have any kind of sense of coherence (L. BonJour). But how can one think of the beliefs of a certain religion as a whole and consistent system? It is easy to meet the requirements for consistency and coherence in closed deductive systems, but not in open systems like religious doctrines, which are more open.

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nature of truth

A person can think of religious consistency as either intra-religious or extra-religious, depending on how they think about it. Immanent consistency in religion is when religious beliefs are in harmony with each other. There are two parts to the external consistency of religion: how well religious beliefs fit with human reason and how well they fit with common scientific or philosophical knowledge. A lot of people find it hard to think of ways to apply the idea of consistency to all the different religions. Christianity, the religion that has been thought through to a very high level, is very concerned about its consistency both inside and outside of the religion. Sometimes, when it tries to give a general view of the world (Weltanschauung), it doesn't agree with a scientific view of the world where there is no room for the supernatural. A good example is the debate between the theory of evolution and the religious belief that everything began with a single person.

If you want to make a case for religious consistency between different religions, you have to keep in mind that not all religious content is expressed in propositional language; that a religious creed also includes truths that are mysteries (like the Christian mystery of the Holy Trinity or the Incarnation), which are accepted as God's gifts; and that because of the specificity of the religious language, not all religious propositions can be easily understood. Because of all these things, it isn't clear how to find consistency and coherence in the world of a certain religion, though.

**7) Religion has meaning in the real world.** Today, people want to know the truth of religion in a way that goes beyond the historical and doctrinal aspects of religion. The truth of religion can be seen in how close a person is to the sacred and how committed they are to the world of the sacred. It doesn't matter that religion has a descriptive side, but that it points a person's life toward the "ultimate reality" that he wants to be saved from. People don't become religious because religion tells them things that are true about the world. They become religious because it promises eternal happiness. Religious traditions and beliefs are important if they can be proven to be true when they produce saints who are both morally and spiritually recognised (J. Hick 1989).

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## 2.6 THE TRUTH ABOUT DIFFERENT TYPES OF RELIGION

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It's hard to come up with a single definition of truth for every type of religion even if many statements, like those by philosophers, are general. This is because there are so many different types of religions. The way phenomenologists talk about religion is that they talk about religion in general, which means that they also talk about each religion individually.

The meaning of the question of whether or not a religion is true isn't clear. No one can answer this question until they have found a way to solve the problem of universals first. People say there is a way to talk about the truth of a religion only if there is a general answer to the question of religion. This idea comes from J. Wach. An alternative idea is to only look at the truth of certain religious doctrines. He thought that if you looked at all different types of religious beliefs, you would find that no religion is complete without truth.

Revelation-based religion. Does God appear at the dawn of that faith, and does God then become the object of worship? Believers in God decide for themselves whether or not there is a transcendent object of devotion and whether or not they will accept God's revelation. Religions that hold to their own truth claims are many. The most a religious scholar can say is that this is true for certain faiths.

It is important to consider the type of religion at hand while attempting to ascertain its veracity. For instance, how trustworthy do you find the religion's teachings to be? Some faiths, such as Christianity, have a well-developed doctrinal side (the Creed) that sets forth the core beliefs of the faith. Islam, for example, has a stronger ritualistic and practical side compared to other religions. The worldview, belief in God or gods, and perspective on one's place in the cosmos that people who follow religious traditions that focus more on how they act than how they act express are still present.

It's only possible to talk about the truth of religion in philosophy and theology of religion to a certain extent because we're talking about faith here. A person who thinks that a certain religion or its theology is the best place to start when evaluating the religious content of other religions is making a circular argument. This means that if we think that other religions are usually false because of their doctrine, then we have to think about this fact (although it may not be a vicious circle but a hermeneutic one). When the problem of the truth of revealed religion is thought of as the question of the existence of a transcendent object of cult, it is part of both philosophy and theology. Theology of religion, on the other hand, solves it theologically with respect to a specific religion, usually with respect to one's own religion and in the light of one's own religion with respect to all other religions.

Natural religion (*religionaturalis*, *religio rationale*), in contrast to positive (revealed) religion, is thought of as the intuitive knowledge of God that comes from the human soul and is found through the natural power of reason (*lumen rationale*). For example, reading the "book of nature" can help. Philosophy of religion has the job of answering the question of whether or not natural religion is true, and they need to do that. All positive religions don't make sense if you think about natural religion in a normative way. They are unnecessary and degenerate forms of natural religion (J. Bodin). The truth of natural religion is that people can believe that there is an absolute being (*das höchste Wesen*) that is outside of the world and is the source of man's worship.



Christianity is number four on our list of things to know. Claim: It needs to be explained why the Christian faith is true. One thing about Christianity, especially Roman Catholicism, is that the doctrinal side in the form of dogmatic theology is very well thought out. The truth of the Christian faith is based on the truth of God, so it is true (Thomas Aquinas). Theologians who work in the field of Christian theology focus on what they believe (orthodoxy). In Christianity, there is a very clear and official (anathema) difference between orthodoxy and heterodoxy (heresy). A Christian is supposed to follow both orthodoxy and good behaviour. That means he should believe in the Christian faith and follow the Christian way of life. This person believes that the Apostles' teaching is passed down to us in a continuous way and is kept in the official teaching of the Church. However, even in Christianity, there isn't one single way of looking at things. There are more or less orthodox and nonorthodox groups, like Eastern Orthodoxy, Roman Catholicism, and Protestantism, as well as a lot of different Christian Churches and groups.

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There are some ways to think of the truth of Christianity as a special case in which the truth of other historical religions is the same thing. For this reason, Christianity is treated as a true religion and is thought to be a true religion. People who believe in Christianity have religious experiences, but the Bible is not a history book that doesn't have anything to do with that. A Christian isn't as interested in general religious truths as he or she is in the unique truth of the Christian message. People say Christianity is a true religion because it is a religion that was given to us by God, which means that it is based on the fact that Jesus Christ existed in the past and that fact has a religious (supernatural) meaning at the same time. This is called a revealed religion. The most important question about whether or not Christianity is true is whether or not Jesus Christ is real. This is because the man who claimed to be God came into the world and died and rose from the dead.

The truth of Christianity also means that it is credible, which means that the "empirical" truth of the things we believe in the Bible and the Creed is true. Christians were able to show that there is no conflict between what natural religion says and what Christians say (the doctrine of the Bible). Within Christianity, there are different ways that different groups define what is true for them. The Roman-Catholic Church says that it has all of the truth that is good for you because of its apostolic lineage and the infallibility of the hierarchical teaching of the Church. From this point of view, it thinks that all other religions are wrong in some important way.

### Check your Progress

- 1) What Is natural religion
- 2) What is positive based religion
- 3) Religion has meaning in the real world.Discuss.



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## 2.7 SUMMARY

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One thing to keep in mind after reading the above is that there isn't a single, simple, or general answer to the question of whether or not religion is true. As it turns out, any answer has to make some concessions about things like truth and religion.

It can be useful to think about religious things in terms of the "truth of religion," not just in philosophy and theology of religion but also in the social sciences of religion.

True religion and "truth of (in) religion," even though they appear to be two separate things, seem to have a strong influence on each other.

A scholar of religion should try to ask the question, "What is true about religion?" in the most general and neutral way possible. He should not only ask this question about Christianity.

It is not the right place to ask and answer questions about the credibility of religion, but the social sciences do have a place to ask and answer questions about the history of religion. People who study the philosophy and theology of religion can best answer the question of whether or not religion has a transcendent goal.

Religion scholars should try to match up their research with what people who believe in a certain religion think about the truth of that religion. A person should not dismiss the question of whether or not a religion is true just because the religion refers to a divine founder or revelation, or because the religious doctrine does not follow a scientific method of research.

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## 2.8 QUESTIONS

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1. What are the two main elements necessary for a contented life?
2. Define dharma in terms of the cosmic order.
3. What are the differences between individual and social ethics?
4. Discuss Ethical Principles in India
5. Write short notes on :
  - a) Varnadharma
  - b) Ultimate Objectives (Purusharthas)

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What do the religions  
of the World say about  
ethics, what is the  
nature of truth



# WHAT DO THE RELIGIONS OF THE WORLD SAY ABOUT ETHICS, WHAT IS THE NATURE OF TRUTH

## Unit Structure

### 3.0 Objectives

#### 3.1 Introduction

#### 3.2 Why study religious ethics?

##### 3.2.1 Some moral issues in the philosophy of religion

##### 3.2.2 Moral Arguments for Theism

##### 3.2.3 If secular naturalism is true, what would happen if it was true for everyone?

#### 3.3 Main types of the truth of religion

#### 3.4 The truth about different types of religion

#### 3.5 Summary

#### 3.6 Questions

#### 3.7 References

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## 3.0 OBJECTIVES

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To give students of communication and journalism a good overview of ethics in religion;

to help them understand ethics around the world;

and to help them think about how different religions practise truth in different ways.

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## 3.1 INTRODUCTION

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Religious ethics is about what is right or wrong, good or bad, virtuous or wicked, from a religious point of view. The definition of "religion" isn't clear. Religions are any traditions that are like Judaism, Christianity, Islam, Hinduism, or Buddhism. This definition is one that the Supreme Court likes, but it doesn't agree with all of these examples.

More specifically, religion is a tradition and practice that is based on a belief that God or Allah or the Tao or Brahman is real and important, as well as the belief that sin and vice can be overcome through grace,

meditation, practises, and living in harmony with what is real and important. People who are Christians may be inspired by Jesus' radical teachings, like how to love your neighbours or be kind to people who are bad for you.

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### 3.2 WHY STUDY RELIGIOUS ETHICS?

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The majority of the world's people say that they belong to some kind of religion. While the U.S. Supreme Court said that people can't be forced to pray, it also said that "it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the progress of civilization." People who don't study world religions don't learn about a very important part of human history and how we live in the world today.

Here in the United States, most people don't know very much about other religions. Only 38% of adults in the United States know that Vishnu and Shiva are gods or other divine beings in Hinduism. Most people don't know the Five Pillars of Islam or the Four Noble Truths of Buddhism. Only 50 percent of adults in the United States can name one of the four gospels in the Bible. If you want to work in international relations or in a religiously diverse environment (medicine, law, business of any kind, politics, governance, architecture, the arts, and more), you need to have a good understanding of the world's religions to do your job.

There is no evidence that people around the world are less likely to identify themselves as religious. Islam is still growing, and while Christianity has died out in some European countries, it is still the most common religion in the world, even though Islam is growing faster. About 40% of Africans are Christian, and 40% are Islamic. About half of the world's people are Christians and Muslims, and there are about a billion Hindus, too.

In the mid-20th century, sociologists said that modernity (more education and technology) would lead to a secular age. While some "new atheists" think that many religious people aren't well-educated, studies show that this isn't the case. Religious people, on the other hand, have better education credentials than most people.

It's also possible that one or more religious worldviews are true. This is another reason to study religious ethics. Most religions think of the universe as a place where we have a responsibility to each other, to care for the vulnerable, and to do what is right. All the world's religions say that evil and sin should not exist. They also say that illusion, greed, and cruelty should not be there. If this religious view of values is true, there's a good reason to look into the coherence, resources, promises, and challenges of religious ethics to see if they make sense.

Religion might be an important source for ethics because secular naturalism doesn't seem to be a good enough foundation for ethics, and it isn't clear if secular naturalism can be good enough.

Reason holds a high place in both Buddhism and Jainism. Right faith is ranked first among the three jewels in Jainism. Before obeying the principles, one should utilise reason to determine their validity and worth. The use of human reason is neither forbidden nor rejected in Buddhism. The four noble truths must be followed, however Buddha states that wherever there is dispute, questions can be asked to clear up any concerns.

Reason is given a higher role in modern Hindu thought, particularly in the concepts of Vivekananda and Gandhi. For them, reason is not the source of moral concepts, but they do believe in the importance of reason in moral problems. As a result, the Vedas and Smritis are assigned the principal role as the fundamental source of morality in Indian tradition, but all of the above-mentioned texts also played roles in deciding the topic of morality and immorality in Indian tradition.

Studying religious ethics is also a good idea because interfaith dialogue is so important in our political system, as well as in our daily interactions with each other.

### **No, ethics doesn't need God.**

People who are both theists and atheists think that if there is no God, right and wrong, good and bad, are all up to the person making them. "Without God, everything is allowed." That's what the Devil tells Ivan in the book *The Brothers Karamazov* (Dostoevsky 1990: 643). People like J.L. Mackie, Michael Ruse, Bertrand Russell, and Jean-Paul Sartre seem to agree that this is a good thing. If there is no God, "there are no moral facts."

### **Is this a reasonable idea?**

Suppose you only thought about what is best for natural selection. If you thought about what is best for evolution, you wouldn't be able to base your ethics on something that is truly authoritative. When Michael Ruse, an evolutionary biologist-philosopher, says that if it was good for us to live in the dark, eat each other's faeces, and eat the dead, then we would see this as noble, good, and right. Charles Darwin agrees with this:

Our unmarried females, like the worker bees, would think it was their duty to kill their brothers and mothers would try to kill their fertile daughters, and no one would think about stopping them. However, the bee, or any other social animal, would gain, as it seems to me, some sense of right and wrong, or a conscience, in our case. It would be better for the animal to have followed one of its instincts instead of the other one. The one course should have been taken: the one would have been right and the other would have been wrong. The number 99 is from Darwin's book in 1882.

People like Darwin and Ruse believe that survival would be better if people worked together, took care of each other, and so on. If they were true, they'd just happen to be true because of how well they worked out for them in the long run. There is no room for any kind of justice to be good if it isn't good for the organisms that use it.

For many of us, it is sad that Darwin thought that humans would be better off if the strong let the weak die so that they could grow stronger.

We feel compelled to help those who can't help themselves because we have an instinct for sympathy. This instinct was originally part of our social instincts, but it has since become more tender and more widespread. No, even if we were told to do so by hard reason, we couldn't stop being kind without hurting the best parts of our nature. We have to accept the fact that the weak will live and pass on their genes, but there is at least one check in the form of the weaker and less well-off members of society not marrying as freely as the more well-off. This check could be even more effective, though, if the weak in body or mind did not marry. 168-169 are the pages where Darwin wrote about this.

Still, one can be a non-believer and still believe that ethical values are true because they came about through natural processes, just like objective mathematical reasoning came about in human thought through these same natural processes. There aren't any of the following reasons to think that ethics needs some kind of theistic grounding:

- Only people who believe in God can tell what is right and wrong.
- Most religions, including Christianity, don't believe this. Atheists, agnostics, and people who don't believe in God can tell what is right and wrong.
- To be truly good, one must believe in God.
- Others say that God has made a world where people can know right from wrong and be good even if they don't believe in God.
- To know what is good and what is bad, you need to read the Bible or some other religious text that tells you.
- According to the Bible, people can know what is good and bad without needing special help to figure it out.
- The Bible is the best source for morals.
- If you read the Bible, you have to be very careful when you do this.

Following these other positions, there are also a number of theistic proposals that one needs to know about, too. There are a lot of people who believe that God is good, but not everyone agrees. I don't know what this means. "Goodness" can be seen as a positive thing.

X is good if it is better for X to be there than not be there. That's why, in this case, X is rightly loved and preferred to X's not being there.

In one religious tradition, God is the best thing that can be thought of, or the best thing that can't be better than God. Classical Judaism, Christianity, and Islam believe that God is omnipotent, omniscient, omnipresent, intangible, eternal (without beginning or end), and necessary to exist, which makes God worthy of worship. These other attributes make

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God worthy of worship. Christians also believe that God is three-fold (exists as a trinity, including God incarnate). If you believe in a God who cares about morals, aesthetics, and religion, it makes sense to think that God would make and keep a universe where there is life, including conscious life that has these kinds of thoughts (a sense of the sacred).

### 3.2.1 Some moral issues in the philosophy of religion

**Evil:** If there is a powerful, all-good, and all-knowing God, then why does there have to be bad things?

There is evil. When someone says that there is a God, they usually make an argument that is either a deductive one or one that is likely. People who use deductive arguments say that there is no way to believe in God and still have evil. If there is a lot of bad in the world, probabilistic arguments say that it is unlikely or unlikely that God is real because there is so much bad. A theodicy tries to solve the problem of why there is evil in God's world.

Does X have to be right because the gods like it? Or do the gods like X because X is right? In Plato's Euthyphro, this question comes up. He thinks the gods like good things because they're good.

Does ending a fetus's life break the sacredness of human life? The Roman Catholic position is that the personhood of the foetus is established as soon as it is born. People from different religions have very different views on the issue.

### 3.2.2 Moral Arguments for Theism

If you believe in God, you should be able to deal with some aspects of your moral experience better than if you don't. Most people say moral realism, which is the idea that there are objective or mind-independent moral facts, needs theistic metaphysical or epistemological underpinnings, but this is not always true.

When Immanuel Kant said that if there is no God, then there are certain moral requirements that can't be met, like that the moral good of virtue and the natural good of happiness should meet and become perfect in a "highest good." Hastings Rashdall and W.R. Sorley, two Idealist philosophers who lived in the early 20th century, said that an objective moral law needs an infinite Mind in which to live if it is to have full ontological status. In a series of talks for the BBC during World War II, C.S. Lewis made a version of this argument that was more popular. It was later published in his book, Mere Christianity.

Lewis said that our conscience tells us about a moral law that can't be found in the natural world, which points to a supernatural lawgiver who made it. Moral obligation is best explained by looking at the rules of a loving God, says philosopher Robert Adams. Moral values in general can be thought to show how God is like. He was an atheist philosopher named



J.L. Mackie. Mackie said that metaphysical naturalism would make it impossible for us to know objective moral facts and how we know them.

Thus, he gave more importance to metaphysical naturalism than to the existence of moral facts. The argument is open to being changed: In the sense that we believe in moral facts, we should not believe in naturalism and instead believe in something like theism. Other people say that metaphysical naturalism doesn't work well with strong moral realism.

If a naturalist is committed to a Darwinian history of morals, that might lead to moral skepticism on the part of the naturalist. According to theists, moral faculties are meant to help people understand moral truths, which is different from how they would be on naturalism. One might say that there is no good theory of normative ethics that fits well with a naturalistic worldview. For example, one might say that our moral judgments are linked to our belief in natural and inviolable rights.

This would be "nonsense on stilts" because of the metaphysics of naturalism. If you want to understand the intrinsic value of people, you might think about them in a theistic way, where the ultimate axiological and metaphysical thing is a person.

### **3.2.3 If secular naturalism is true, what would happen if it was true for everyone?**

There is no purposeful structure in the universe, or, as Richard Dawkins puts it, "there is, at bottom, no purpose, no evil and no good. There is nothing but blind pitiless indifference." Is it natural or likely that there would be good and bad states in the world as a whole? It's not likely that moral properties would have come about on their own without an all-powerful god making them. Mackie is an atheist, which means that he doesn't believe in God and thus doesn't believe in moral properties as well.

#### **As we evolved, so did our ethics**

Evolutionary theory is the source of ethics. This has the problem that evolutionary theory doesn't seem to say that if a form of life survives natural selection, it must be good or virtuous or more ethical than other forms of life that don't, but it doesn't seem to say why. Darwin said that in humans, compassion and ideals of fairness will help them to stay alive, but he also said that it might not. Some environmental ethicists say that Darwinian and neo-Darwinian evolution can give people a reason to think that non-human animals deserve more moral attention than if they believe that species were all created separately. Richard Dawkins, for example, thinks that evolutionary theory and ethics are not compatible with Christianity. Michael Ruse, on the other hand, thinks that there is no fundamental difference. It is about how people think about the truth, religion, and the truth of religion

If the question of whether or not a religion is true is being asked about any type of religion, not just monotheistic ones, it needs to be looked at on a broad level. There must be at least four groups: religion, truth, truth of

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religion (religious truth), and the study of religion. None of them is clear or unambiguous, and this makes it almost impossible to talk about all the different ways they could be used.

### **1) The idea of religion.**

The term "religion" is used in everyday life by people in western cultures, and at the heart of their use is a common human experience of the world. However, we don't seem to have a scientific or philosophical definition of religion that would cover all situations and ways of talking about religion and religious phenomena.

In sociological terms, religion is a complicated cultural situation that includes cult (rite, worship), a doctrine, and a way of running things. The doctrinal part of a religion is also hard to figure out because it is made up of a complicated and long-running set of beliefs that have been developed over time by generations of people who believe in it. Because there are debates about whether or not religion is true and how religious truths should be interpreted not only among people who follow different religions, but also within the same religion. This makes the whole thing even more complicated.

### **2) The idea of truth.**

The (philosophical) nature of truth is also hard to explain. People who study religion can choose from many different philosophical theories and definitions of truth, both classical and non-classical, when they ask about the truth of religion. According to classical correspondence theory, truth is when things and your mind are in line with each other. According to the coherence theory, a proposition is true if it fits in with a group of other propositions. According to pragmatic theory, truth is what we want to do, and human action is the standard for truth. Today, there are more popular "deflationary" theories of truth, which say that truth isn't important in theory and that the classical theory is wrong. All of these definitions of truth can be used in some way when studying religion, and each of them has its own problems. The goal is to find a definition of truth in religion that could be used by any religion.

### **3) The idea that religion is true.**

This is the first time we're going to look at the different ways we can say "religious truth." It's hard for each of them. In the world of religions, "truth" can mean a lot of different things. It's possible to think of religious truth as a feature of religion in general or just one religion. A propositional truth is what we're talking about when we talk about religious truth. In this case, religious statements (dogmas, like the church's teaching) are made to be true by the church through strict religious reasoning. The question now is how to think about the truth of religion as a doctrinal system in the same way that the truth of a scientific theory is thought about.

In the study of religion, we see that there are two kinds of truth: truth that is inside the religion and truth that is outside the religion. The extra-

religious truth is about historical events that can be proven from outside even if you don't believe in that religion, like the fact that Jesus Christ and Muhammad were real. Interreligious truth deals with the supernatural content in religious beliefs. It can only be found from inside a given religion by a believer who has had an experience with God or who looks to the authority of the religious founder. Isn't what we believe about God in Christ something we say about how things have been?

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Different religions have different meanings when it comes to the question of whether or not religions are true. Religion is a broad term that can refer to many different types of religions, such as the religions of tribes, the religions of non-literate people, the religions of ancient civilizations like Babylon and Egypt, the religions of China, and the religions of Judaism, Buddhism, and Islam. It can also refer to religions that are polytheistic, henotheistic, or monotheistic, as well as religions that are eclectic and syncretic (New Age religions).

It is easy to apply the idea of truth to monotheistic religions. Ancient religious myths, on the other hand, can't be used to apply this idea. religions in the ancient Greek and Roman world To the Babylonian worship of the stars and the moon, what do you say? Mithra's cult in Iran Is this a reference to Mazdeism and Zoroastrianism? What about modern atheistic "religions" that don't have a transcendent object of devotion, or those that only act as religions (Scientology, psychoanalysis, and psychotherapy), how can one apply the concept of truth to these types of religions? Esoteric religions, like Buddhism, Vedanta, and Christian Gnosis, make the issue of religion's truth even more complicated. These religions believe that there are two kinds of truth: surface truth and deep truth. Then there is truth that can't be expressed in any kind of language and is only available to people who know what they're talking about. Also, it can be hard to talk about supernatural religious truth because it has a faraway object of reference that may need the language of analogy.

### **Check your Progress**

- 1) Different religions have different meanings. Explain.
- 2) What is the idea of truth?
- 3) What is secular naturalism

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## **3.3 MAIN TYPES OF TRUTH OF RELIGION**

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The question of whether a religion is true, especially Christianity, has a lot of different assumptions: ideological, philosophical, theological, religious, and so on. It can also have many different meanings, such as cultural, epistemological, sociological, psychological, historical, substantial or functional, objective or subjective, and so on and so forth. Religious truth was thought of as being historical and doctrinal truthfulness, as well as credibility (reliability), authenticity, completeness (exclusion), and meaning (existential significance). In what follows, I explain these words, but I don't figure out how they work together.

1) **The truthfulness of religion in the past.** It's true that each of the religions that have been around for a long time and that each one has a history. In more specific terms, historical truthfulness refers to the religious tradition's origin, identity, institutional and doctrinal continuity, as well as the historicity of its founder and its Holy Scriptures, which make it unique and keep it true to itself. Usually, at the start of a religious group, there is a charismatic leader, like Moses or Buddha. The leader then draws in followers who try to follow the leader's teachings faithfully. This kind of historical truth about religion only applies to a small group of traditions that have well-defined origins and a history that can be found in books.

2) **The truth about religion.** The doctrinal dimension of religion is what most people think of when they talk about the truth of religion. This is the part of religion that is covered by oral or written tradition in the form of religious statements about the supernatural and natural world. In every religion, people have hopes for the world to come after this one. Here, religious truth is thought of as knowledge that points toward the ultimate deepest reality, which can be called God, Dharma, Tao, the Sacred, and so on. People believe religions are true because they say there is a real thing called a transcendental, supernatural, or sacred thing.

When it comes to truth, there's a big question: How can it be used when the object of beliefs isn't an ordinary object in a subject-object relationship and can't be checked out by other people? Furthermore, religious truths are thought to be infallible and eternal, which makes them very different from scientific statements that are only hypothetical. Truths that promise something that can only be fulfilled in the supernatural life to come are also very different from scientific statements that are only hypothetical.

There is also a problem with orthodoxy (heterodoxy) and how it is judged by. Orthodoxy when it comes to religious life means having the right beliefs that come from a sacred, more or less official source. All of the main religious traditions know about orthodoxy, even though they use different words to describe it. Each tradition is interested in its own orthodoxy and has set up its own rules for accepting orthodoxy and rejecting non-orthodoxy. In most religions, the Bible and Koran are used to show what is acceptable and what isn't. For example, people who believe that the Bible and Koran are infallible, as well as people who believe that the bishop of Rome is the main authority.

There are some religious traditions that have very strict rules about purity and conformity. On the other hand, there are religious traditions that don't have an official creed, like Judaism, Hinduism, Confucianism, and Islam. There are also traditions that emphasise morality and ritual rather than orthodoxy. Religions from all over the world let people have different beliefs as long as they don't break the rules. The traditional Chinese didn't think it was weird that he had more than one religion in his life at the same time. In addition, the level to which unorthodoxy is considered a big deal varies both across traditions and in the history of a single tradition,

because the beliefs that are important over time change in the same tradition.

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3) **The reliability of religion.** In one sense, "credibility" refers to religious statements about what happens after this life. Proof that a religion is old isn't enough to show that it was true long ago (for instance that Christ existed and founded the Church). Whether or not that religion can keep its promises about individual resurrection and life after death is still up in the air. "Eschatological verifiability" (J. Hick) in life after death at least partially solves the question of whether Christianity is true. This truth comes from its ability to make us right with God and make us happy forever by getting rid of our sins. People who believe in religious truths are judged on the basis of arguments that are specific to a religion and on theological methods. People who believe in a certain religion can show how strong their faith is by living their lives and sometimes dying for their beliefs.

4) **The fact that religion is real.** Here, the question is how to tell real religious things from things that aren't real at all. This distinction already has the idea (definition) of true religion, which could be used as a litmus test to find things that are religious. There are some things that make an unauthentic religion seem like real religion, but for other important reasons it is not real religion. Unfortunately, scholars don't agree on what makes a religion true. This is especially true because religion is an important part of culture. The question of what makes religious things different from other cultural things is at the heart of the issue of how to define religion. Culture and religion are two different things in western cultures, but there are other cultures that don't make this difference very clear.

Another way to think about authenticity of religion is to think about religious doctrine as being true to a given religion, rather than being unorthodox, heterodox, or heretical.

5) **The exclusivity of religion.** There is a way to think about the truth of religion that makes it seem unique and special. People who believe their religion is the only one think all other religions are false, or at least not true. This kind of exclusivity is found in Christianity, Judaism, and Islam, but even more so in Judaism and Islam. The Catholic Church believes that it has the whole truth because it sees Jesus Christ as God's revelation. It says that outside of the church, there is no salvation. From this place, the Catholic Church has always fought against other religions in the past. As a contrast, the "historical-religious" school (E. Troeltsch) that came out of liberal Protestant theology at the end of the XIX century said that God's revelation is found in every religion and that the relative absoluteness of Christianity can only be proven through historical comparison.

6) **Consistency (coherence) and rationality of religion:** Because religious beliefs are an important part of almost every religion, the question of whether religious beliefs are true or not is a question of whether they are logical. The consistency of beliefs (propositions) is a sign

of being rational. However, a religious system could be perfectly consistent and not have any kind of sense of coherence (L. BonJour). But how can one think of the beliefs of a certain religion as a whole and consistent system? It is easy to meet the requirements for consistency and coherence in closed deductive systems, but not in open systems like religious doctrines, which are more open.

A person can think of religious consistency as either intra-religious or extra-religious, depending on how they think about it. Immanent consistency in religion is when religious beliefs are in harmony with each other. There are two parts to the external consistency of a religion: how well religious beliefs fit with human reason and how well they fit with common scientific or philosophical knowledge. A lot of people find it hard to think of ways to apply the idea of consistency to all of the different religions. Christianity, the religion that has been thought through to a very high level, is very concerned about its consistency both inside and outside of the religion. Sometimes, when it tries to give a general view of the world (Weltanschauung), it doesn't agree with a scientific view of the world where there is no room for the supernatural. A good example is the debate between the theory of evolution and the religious belief that everything began with a single person.

If you want to make a case for religious consistency between different religions, you have to keep in mind that not all religious content is expressed in propositional language; that a religious creed also includes truths that are mysteries (like the Christian mystery of the Holy Trinity or the Incarnation), which are accepted as God's gifts; and that because of the specificity of the religious language, not all religious propositions can be easily understood. Because of all these things, it isn't clear how to find consistency and coherence in the world of a certain religion, though.

7) Religion has meaning in the real world and in the real world. Today, people want to know the truth of religion in a way that goes beyond the historical and doctrinal aspects of religion. The truth of religion can be seen in how close a person is to the sacred and how committed they are to the world of the sacred. It doesn't matter that religion has a descriptive side, but that it points a person's life toward the "ultimate reality" that he wants to be saved from. People don't become religious because religion tells them things that are true about the world. They become religious because it promises eternal happiness. Religious traditions and beliefs are important if they can be proven to be true when they produce saints who are both morally and spiritually recognised (J. Hick 1989).

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### **3.4 THE TRUTH ABOUT DIFFERENT TYPES OF RELIGION**

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A lot of things about religion in general It's hard to come up with a single definition of truth for every type of religion even if many statements, like those by philosophers, are general. This is because there are so many different types of religions. The way phenomenologists talk about religion is that they talk about religion in general, which means that they also talk



about each religion individually. The meaning of the question of whether or not a religion is true isn't clear. No one can give an answer to this question until they have found a way to solve the problem of universals first. People say there is a way to talk about the truth of a religion only if there is a general answer to the question of religion. This idea comes from J. Wach. An alternative idea is to only look at the truth of certain religious doctrines. He thought that if you looked at all different types of religious beliefs, you would find that no religion is completely without truth, like he thought.

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Religion that was revealed. At the start of that religion, does God show up and become the thing that people worship? People who believe in God make decisions about whether or not to believe in God's revelation and to believe that there is a transcendent object of devotion. Some religions believe that their beliefs are true. A religious scholar can only note that this is the case for some religions.

If you want to know if a religion is true, you have to think about what kind of religion it is. For example, how credible is the religion's doctrine? If you look at some religions like Christianity, you'll see that they have a well-developed doctrinal side (the Creed). If you look at other religions, like Islam, you'll see that they have a more practical and ritual side. People who follow religious traditions that are more about how they act than how they act are still expressing their worldview and their belief in God or gods, as well as how they think about their relationship with each other and with the universe as a whole.

It's only possible to talk about the truth of religion in philosophy and theology of religion to a certain extent, because we're talking about faith here. A person who thinks that a certain religion or its theology is the best place to start when evaluating the religious content of other religions is making a circular argument. This means that if we think that other religions are usually false because of their doctrine, then we have to think about this fact (although it may not be a vicious circle but a hermeneutic one). When the problem of the truth of revealed religion is thought of as the question of the existence of a transcendent object of cult, it is part of both philosophy and theology. Theology of religion, on the other hand, solves it theologically with respect to a specific religion, usually with respect to one's own religion and in the light of one's own religion with respect to all other religions.

It's number three. Natural religion (religionnaturalist), in contrast to positive (revealed) religion, is thought of as the intuitive knowledge of God that comes from the human soul and is found through the natural power of reason (lumen rationale). For example, reading the "book of nature" can help. Philosophy of religion has the job of giving an answer to the question of whether or not natural religion is true, and they need to do that. All positive religions don't make sense if you think about natural religion in a normative way. They are unnecessary and degenerate forms of natural religion (J. Bodin). The truth of natural religion is that people



can believe that there is an absolute being (das höchste Wesen) that is outside of the world and is the source of man's worship.

Christianity is number four on our list of things to know. Claim: It needs to be explained why the Christian faith is true. One thing about Christianity, especially Roman Catholicism, is that the doctrinal side in the form of a dogmatic theology is very well thought out. The truth of the Christian faith is based on the truth of God, so it is true (Thomas Aquinas). Theologians who work in the field of Christian theology focus on what they believe (orthodoxy). In Christianity, there is a very clear and official (anathema) difference between orthodoxy and heterodoxy (heresy). A Christian is supposed to follow both orthodoxy and good behaviour. That means he should believe in the Christian faith and follow the Christian way of life. This person believes that the Apostles' teaching is passed down to us in a continuous way and is kept in the official teaching of the Church. However, even in Christianity, there isn't one single way of looking at things. There are more or less orthodox and nonorthodox groups, like Eastern Orthodoxy, Roman Catholicism, and Protestantism, as well as a lot of different Christian Churches and groups.

There are some ways to think of the truth of Christianity as a special case in which the truth of other historical religions is the same thing. For this reason, Christianity is treated as a true religion and is thought to be true religion. People who believe in Christianity have religious experiences, but the Bible is not a history book that doesn't have anything to do with that. A Christian isn't so interested in general religious truths as he or she is in the unique truth of the Christian message. People say Christianity is a true religion because it is a religion that was given to us by God, which means that it is based on the fact that Jesus Christ existed in the past and that fact has a religious (supernatural) meaning at the same time. This is called a revealed religion. The most important question about whether or not Christianity is true is whether or not Jesus Christ is real. This is because the man who claimed to be God came into the world and died and rose from the dead.

The truth of Christianity also means that it is credible, which means that the "empirical" truth of the things we believe in the Bible and in the Creed is true. Christians were able to show that there is no conflict between what natural religion says and what Christians say (the doctrine of the Bible). Within Christianity, there are different ways that different groups define what is true for them. The Roman-Catholic Church says that it has all of the truth that is good for you because of its apostolic lineage and the infallibility of the hierarchical teaching of the Church. From this point of view, it thinks that all other religions are wrong in some important way.

### **Check your Progress**

- 1) Consistency (coherence) and rationality of religion. Discuss.
- 2) The truthfulness of religion in the past. Discuss.
- 3) How does Religion have meaning in the real world and in the real world?

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### 3.5 SUMMARY

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One thing to keep in mind after reading the above is that there isn't a single, simple, or general answer to the question of whether or not religion is true. As it turns out, any answer has to make some concessions about things like truth and religion.

It can be useful to think about religious things in terms of "truth of religion," not just in philosophy and theology of religion but also in the social sciences of religion.

True religion and "truth of (in) religion," even though they appear to be two separate things, seem to have a strong influence on each other.

In the beginning of his research, a scholar of religion should try to ask the question, "What is true about religion?" in the most general and neutral way possible. He should not only ask this question about Christianity.

It is not the right place to ask and answer questions about the credibility of religion, but the social sciences do have a place to ask and answer questions about the history of religion. People who study philosophy and theology of religion can best answer the question of whether or not religion has a transcendent goal.

Religion scholars should try to match up their research with what people who believe in a certain religion think about the truth of that religion. A person should not dismiss the question of whether or not a religion is true just because the religion refers to a divine founder or revelation, or because religious doctrine does not follow a scientific method of research.

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### 3.6 QUESTIONS

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1. Why study religious ethics?
2. What are the moral arguments for theism?
3. If secular naturalism is true, what would happen if it was true for everyone?
4. Discuss 'The idea that religion is true'.
5. Write short notes on :
  - a) The reliability of religion
  - b) The fact that religion is real

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# **DEMOCRACY, LIBERTY, FREEDOM, SECULARISM, SOCIALISM, FEDERALISM, SOVEREIGNTY, EQUALITY**

## **Unit Structure**

4.0 Objectives

4.1 Introduction

4.2 Historical Background

4.3 Objective

4.4 Summary

4.5 Questions

4.6 References

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## **4.0 OBJECTIVES**

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- Understanding democracy and its characteristics
- The historical implications
- The need to approach this topic

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## **4.1 INTRODUCTION**

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The constitution cannot be completed without the preamble. The preamble serves as the introduction to the Indian constitution. It is typically determined to constitute India into a socialist, sovereign, democratic, secular, and republic. It also secures fundamental rights such as liberty, equality, and justice to all Indian citizens and then promotes fraternity among them.

The preamble to the Indian constitution has set down the aims and aspirations of the Indian people. It renders a purpose and direction to the Constitution of India. It only outlines the objectives and scope of the whole constitution.

The preamble is based on the aims and objectives resolution passed by the Constituent Assembly. It provides a way of life, which includes fraternity, liberty, and equality as the notion of a happy life, which are connected and cannot be separated. It means without equality, liberty would produce the supremacy of the majority over the minority. Equality without liberty

would kill individual perception. And fraternity helps liberty and equality in their course of action.

*Justice P. B. Gajendragadkar in the Berubari case said “The Preamble was not a part of the Constitution. Also, it did not confer any substantial powers upon the legislatures or other organs of the State. These must have their source in express or implied grant by the provisions of the Constitution.”*

*Justice J. R. Madholkar in Sajjan Singh V. State of Rajasthan stated, “The Preamble had the stamp of ‘deep deliberation’, was ‘marked by precision’ and the framers of the Constitution attached special significance to it. The Preamble was ‘an epitome’ of the broad features of the Constitution. These broad features were an amplification or concretisation of the concepts set out in the Preamble. The earlier Supreme Court opinion regarding the Preamble not being a part of the Constitution, perhaps needed reconsideration.”*

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## 4.2 HISTORICAL BACKGROUND

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The preamble of the Indian constitution is based on aims and objectives resolution moved by the Prime Minister Jawaharlal Nehru on 13th December 1947. It was adopted on 22nd January 1948 by the Constituent Assembly.

The drafting committee observed that the preamble must be limited in defining the important features of the new state and its socio-political objectives. Other important matters should be refined further in the Constitution. The committee changed the motto from the 'Sovereign Independent Republic' to 'Sovereign Democratic Republic' as was mentioned in the aims and objectives resolution.

The preamble can also be called the soul of the constitution as it has everything about the constitution. The constitution was adopted on 26th November 1949 and its implementation started from 26th January 1950. Hence 26<sup>th</sup> January is known and celebrated as Republic Day.

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## 4.3 OBJECTIVE

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According to the preamble as it stands today after the forty-second amendment to the constitution, the supreme or fundamental constitutional values in which the founding fathers believed, which they wanted to foster among the people of the Republic and which, they hoped, would guide all those who, from generation to generation, were called upon to work the constitution were:

- Sovereignty
- Socialism
- Secularism
- Democracy

- Justice
- Liberty
- Equality
- Fraternity

Democracy, Liberty,  
Freedom, Secularism,  
Socialism, Federalism,  
Sovereignty, Equality

### **Sovereignty**

Sovereignty is considered to be one of the essential attributes of a state and connotes absolute and supreme power not subject to control by any internal or external authority. 'Sovereign' means the independent authority of the state. It means the state has control over every subject and no other authority or external power has control over it. So, the legislature of our country has the powers to make laws in the country with restrictions keeping in mind imposed by the constitution. The Constitution of India does not contain any specific provision regarding the vesting of sovereign powers. The only place from where the sovereignty can be ascertained is the preamble.

In India, power is divided between the union and the states but there is no division of sovereignty. The union can override the states in national interest during emergencies. Even during normal times, it can invade the states' sphere by legislating on subjects in the state list under article 249.

Article 1 of the constitution made it clear that the Union of India could acquire foreign territory. Also "one of the attributes of sovereignty is the power to cede parts of national territory if necessary." The union could also cede its territory subject to necessary constitutional amendment. Under articles 2, 3, and 4 of the constitution, the Parliament can by ordinary legislation admit or establish new states in the union, and alter the name, area, and boundaries of the existing states. Under the citizenship provisions, there is only one citizenship for all the people of India and no double citizenship of the union and of the states as in the United States.

In these traditional terms of sovereignty, no state today can be said to be fully sovereign. Membership of international organizations like the United Nations, European Union, etc. and international treaties, accords, conventions, etc. cast obligations, put restraints, and erode sovereignty

*Justice Mathew in the K. Bharti case observed that the Republic of India was "sovereign" because it could make or unmake any decision concerning itself without any interference from outside.*

*Charles Cooley stated in his writings that "where there resides within itself a supreme and absolute power acknowledging no superior".*

### **Socialism**

The term 'Socialist' was added in the preamble by the 42nd Amendment in 1976, during the emergency. The term socialist denotes democratic socialism. It means a political-economic system that provides social,

economic, and political justice. The founding fathers did not want the constitution to be wedded to any particular political ideology or ism or to be limited by any economic doctrine. They did not, therefore, agree to include any reference inter alia to socialism. But the preamble did mention the resolve to secure all citizens' economic justice and equality of status and opportunity. However, the term socialist has not been defined by the constitution. It has meant different things to different people and is hardly left with anyone's definite connotation. Dictionary meaning of the word would imply, in full or in part, placing means of production and distribution in public hands, i.e. under public (meaning 'State') ownership and/or control as against private ownership and free enterprise. Socialism meant the elimination of inequality in income and status and standards of living.

### **Secularism**

The term 'Secular' was also added by the 42nd Amendment Act in 1976, during the emergency. The constitution states India is a secular state as the state has no official religion. The citizens have their own view of life and can choose their religion as they like. The state provides full freedom to the people to practice any religion of their choice. The state treats all religions equally, with equal respect, and cannot discriminate between them.

*"The secular state is a state which gives individual and corporate freedom of religion, is not constitutionally connected to a particular religion, nor does it seek either to promote or interfere with religion."*

***Donald Eugene Smith (An academic definition of the concept of secularism in the Indian context)***

### **Features of the constitution that support the concept of secularism -**

- Article 14 defines the right to equality.
- Article 15 and 16 say discrimination on any grounds such as religion, caste, etc is prohibited.
- Freedom of speech is guaranteed under articles 19 to 21.
- Religion practices freedom and rights covered under articles 24 to 28.
- Article 44 reaffirms the importance of uniform civil law which treats all citizens equally.

The vision of the founding fathers was that of a nation transcending all diversities of religion, caste, and creed. They were not hostile to religion but they hoped that it would be possible to forge political unity and that religious differences would not hamper nation-building. They visualised a polity under which laws would not discriminate between citizens on grounds of religion, caste, or the like. The constitution sought to establish a 'secular' order under which the majority of the population did not enjoy



any special privileges at the hands of the state. Also, it is essential that the religious rights of the minorities are protected.

Democracy, Liberty,  
Freedom, Secularism,  
Socialism, Federalism,  
Sovereignty, Equality

## Democracy

The Greek word 'demos' meant 'the people' and 'Kratos' meant 'government' or 'rule'. Democracy, therefore, meant government by the people as against monarchy or dictatorship which was the autocratic rule of one person, oligarchy or aristocracy being ruled by the few.

Irrespective of religion, caste, creed, colour or sex and irrespective of the level of economic, educational or professional background all are equal in the eyes of law and sovereign power resides in the people. In a democracy, the people are supposed to be their own masters. Every person has a direct or indirect share in administration in a democratic form of government. The basic requirement of a successful democracy is awareness of the people. A democratic form of government cannot survive without fair elections as they are the soul of democracy. Democracy also improves the way of life by protecting human dignity, equality, and the rule of law.

*The Court stated that in Mohan Lal V DM of Rai Bareilly case that democracy is a philosophical topic related to politics where the people elect their representatives to form a government, where the basic principle is to treat the minority the same way people treat the majority. Every citizen is equal before the law in the democratic form of government.*

## Check your progress

1. Write names of 5 democratic countries and the year of the adoption of their constitutions
- Discuss democracy
  - Discuss secularism

## Justice

The preamble promises justice to all citizens. Justice means the harmonisation of interests between the individuals and between groups, and between the individuals and groups on the one hand and interests of the community on the other. Justice is defined or elaborated as social, economic, and political. It is necessary to maintain order in society which is promised through various provisions of Fundamental Rights and Directive Principles of State Policy provided by the Constitution of India.

- **Social justice** implies that all citizens are treated equally irrespective of their status in society as a result of the birth, race, caste, religion, sex, title, etc. Article 15 prohibits discrimination or disability in the matter of access to public places. Article 38 enjoins the state to strive to promote the welfare of the people "by securing and protecting as effectively as it may a social order in which social, economic, and political justice shall prevail. Provisions for humane conditions of work, maternity relief, leisure, reduction of wide disparities, promotion

of economic interests and a decent standard of living for the workers, weaker sections and backward classes, minimum wage, banning of forced labour (articles 23 and 43) were all directed towards social justice.

- **Economic Justice** means no discrimination can be caused by people on the basis of their wealth, income, and economic status. Every person must be paid equally for an equal position and all people must get opportunities to earn their living. In pursuance of the objective of economic justice, the constitution (articles 36 to 51) is also directed towards securing a new social and economic order imbued with justice. There are provisions for the right to work, to education and to public assistance in certain cases, for just and humane conditions of work and maternity relief, for a living wage, etc. for workers, for free and compulsory education of children, for promotion of educational and economic interests of weaker sections, for separation of judiciary from the executive, etc.
- **Political justice** means equal share to all citizens in the rights to participation in the political process without any distinction of race, caste, creed, religion, or place of birth. Article 16 guarantees equality of opportunity in matters of public employment and articles 325 and 326 provide for equal rights for all adults to participate in elections. Political justice was meaningless without economic justice. Even economic justice was not enough unless it was coupled with social justice.

### Liberty

Derived from the Latin word 'liber', liberty literally would mean freedom from captivity, imprisonment, slavery, serfdom, or despotism. It means no unreasonable restrictions can be imposed on the citizens in terms of their thoughts, feelings, and views. But liberty does not mean freedom to do anything, a person can do anything but, within the limit set by the law. Anything which can create public disorder cannot come under liberty. These limits are set by the constitution to avoid injuries in the name of liberty.

Liberty was conceived as the absence of interference in individual freedom of action by the government. Liberty in the preamble to our constitution does not mean mere absence of restraint or domination. It is a positive concept of the right to "liberty of thought, expression, belief, faith, and worship". Article 19 guarantees protection of rights of freedom of speech, expression, etc. while articles 25-28 embody rights to freedom of religion including that of belief, faith, and worship. In this positive connotation, liberty would mean freedom of the individual to do what one likes.

### Equality

Equality does not only mean that all men and women are equal in all circumstances. There are bound to be physical, mental, and economic

differences. The concept embodied in our preamble is only that of equality of status and opportunity. This has legal, social, political, and economic aspects.

Democracy, Liberty,  
Freedom, Secularism,  
Socialism, Federalism,  
Sovereignty, Equality

The term 'Equality' means no section of society has any special privileges and all the people have been given equal opportunities for everything without any discrimination. It means removing all types of discrimination from society to build a healthy environment for the people to live in. Everyone is equal before the law. The concept of equality of status and opportunity has been given prominence in articles 14 to 18.

### **Fraternity**

It means an emotional attachment with the country and a feeling of brotherhood among all the people. It refers to a feeling which helps to believe everyone is the child of the same soil and is connected. The ideals of justice, liberty, and equality are relevant and meaningful only inasmuch as they promote a common feeling of brotherhood. Provisions relating to common citizenship are directed toward strengthening Indian fraternal feelings and building a strong Indian fellowship. The fundamental rights guaranteed to all citizens without any discrimination and the directive principles directed at achieving social and economic equality are also designed to promote fraternity. The concept has been elaborated in the part IV A of the constitution laying down the fundamental duties of the citizens. Duty of every citizen inter alia to promote among all the people of India harmony and the spirit of common brotherhood. Thus, the concept of fraternity is far wider than the concept of secularism

*Dr Babasaheb Ambedkar stated in his speeches that, fraternity means a sense of common brotherhood of all Indians. It is the principle that gives unity and solidarity to social life. It is a difficult thing to achieve.*

### **Federalism**

The constitution of India has not described India as a federation. However, article 1 of the Indian Constitution describes India as a "Union of States." This means India is a union comprising various states which are an integral part of it. Here, the states cannot break away from the union. They do not have the power to secede from the union. In a true federation, the constituting units of the states have the freedom to come out of the union.

The basic principle of federalism is that the legislative, executive and financial authority is divided between the centre and the states, not by law passed by the centre but by the constitution itself. Indian constitution also defines powers among the executive, legislature and the judiciary. Indian Constitution is an aid to be a federal structure because it is said that it has a clear demarcation of boundaries between the central & the state governments. Similar to that of the U.S., India has legislative and executive authority divided between the centre and the states.

### Features

- **Two Governments** - Central government looks after the whole country and the state government mainly works for the states.
- **Power Division** - Powers between the central government and state government have been divided by the Constitution of India. (Read 7<sup>th</sup> Schedule)
- **Written Constitution and Supremacy of the constitution**
- **Judicial power**

### Check your progress

#### Find out the preamble of the following countries -

1. United States (1787)
2. Ireland (1937)
3. Japan (1947)
4. France (1958)

- Discuss Federalism
- What is fraternity?

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### 4.4 SUMMARY

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Because they provide a framework for organising and administering societies based on the ideals of justice, fairness, and equality, ideas like democracy, liberty, freedom, secularism, socialism, federalism, sovereignty, and equality are essential. These ideas guarantee that people are included in decision-making, safe from abuse, able to get their hands on the things they need to thrive, and are given the same legal protections as everyone else. By keeping power from concentrating in too few hands and balancing opposing interests and ideals, they contribute to societal harmony, stability, and development. Collectively, these ideas are what support modern democratic societies and are necessary for making the world a better place for all people.

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### 4.5 QUESTIONS

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1. What are the principles of democracy?
2. What do you mean by secularism?
3. How should one study equality?

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## ETHICS IN THE CONSTITUTION OF INDIA

### Unit Structure

5.0 Objectives

5.1 Introduction

5.2 Constitutional Values

5.3 Ethics of the Constitution of, as well as its preamble,

5.4 Values and the Most Important Parts of the Constitution

5.5 Summary

5.6 Questions

5.7 References

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### 5.0 OBJECTIVES

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Explain how the Constitution is the most important and basic law in the world, as well as a living document that changes.

Analyse the Preamble of the Constitution and find out what the main values are.

Appreciate the core constitutional values that run through the important parts of the Indian Constitution.

Examine the nature of the Indian federal system and the parliamentary form of government to see how they work.

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### 5.1 INTRODUCTION

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It is important to understand what the Constitution is all about.

You may have heard the word "constitution" a lot in the past. A lot of people use the word "constitution" in a lot of different ways, like when a country or state has a constitution or when an association or union has one. It can also be used to talk about a non-profit organisation, a company, and so on. Is this term used in the same way in all of these situations? It's not true. constitution: A set of rules written down that define and control the structure and workings of a group or organisation, like a company or a group of people. It means a set of fundamental principles, basic rules, and precedents (standards/events) when it is used in the context of a State or a country.

Many things about the State are defined in this document. It also lays out how these three parts of government work together and how they work with each other, as well as how they work with each other. In addition, it lays out how each citizen is connected to the State and government, as well as what rights and freedoms each person has.

A Constitution can be written or unwritten, but it is made up of the most important laws in the country. It is the highest and most important thing. Any decision or action that is not in line with it will be unconstitutional and illegal, so it is important to follow it. A Constitution also sets limits on the power of the government so that it doesn't get too powerful. It is also not a static document, but a living one, because it needs to be changed as and when needed to keep it up to date. Because it is so flexible, it can change to meet the needs of the time, meet the desires of the people, and adapt to the changes taking place in the world.

In the United States, the Constitution is called the Constitution of the United States. It's possible that you've seen the Indian Constitution. Do you know the cover page shown in the picture? If you have seen it or have a chance to see it, you will agree that it is very long. The Indian Constitution is, in fact, the longest written constitution in the world. It was made by a group of people called the Constituent Assembly. This group was very active in the fight for freedom. They are called the "founding fathers" of the Constitution because they helped write it.

When India was ruled by the British, there were a lot of things that made the process of making a constitution very complicated. These things included the aspirations that people had during their long fight for independence, constitutional and political changes that took place during the British rule, Mahatma Gandhi's ideas, and experiences with Constitutions in other democratic countries around the world. On January 26, 1950, the Constitution came into effect. Since then, we have celebrated this day as the Republic Day every year, which is when the Constitution comes into effect.

On December 9, 1946, the Constituent Assembly began to work on the Constitution, and they did so for the first time. As of December 11, 1946, Dr. Rajendra Prasad had been chosen as its president.

Dr. Baba Saheb Bhimrao Ambedkar led the group that wrote the document. They met for 166 days over a period of two years and 11 months and 18 days. There were no more changes to the Constitution until November 26, 1949, when a group of people called the Constituent Assembly agreed to the draught constitution.

The Constitution of India defines all aspects of the Indian political system including its basic objectives. It has provisions regarding (a) the territories that India will comprise, (b) citizenship, (c) fundamental rights, (d) directive principles of state policy and fundamental duties, (e) the structure and functioning of governments at union, state and local levels, and (f) several other aspects of the political system. It defines India as a sovereign, democratic, socialist and secular republic. It has provisions for



bringing about social change and defining the relationship between individual citizen and the state.

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## 5.2 CONSTITUTIONAL VALUES

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The Constitution of any country is used for a lot of different things. It gives us some ideas about what kind of country we want to live in as people. A country is usually made up of different groups of people who share some beliefs, but not all of them. Having a constitution helps make sure that everyone agrees on important things like rules and procedures. These are how the people want the country to be run and how they want society to move forward.

There must be a consensus not only on what kind of government the country should have, but also on what kind of ideals the country should follow. The Indian Constitution has a set of core constitutional values that make up its spirit and are expressed in a lot of different articles and provisions. But do you know what the word "value" means?

Immediately, you can say that truth, non-violence and peace are values. You can keep going and add many more values, like honesty, respect, respect, and kindness. In fact, in a layman's view, value is something that is very important for the existence of human society as a whole. These values are found in the Indian Constitution. They are universal, human and democratic values of the modern era, and they are found in it.

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## 5.3 ETHICS OF THE CONSTITUTION OF, AS WELL AS ITS PREAMBLE

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Have you read the Preamble to the Indian Constitution that is at the start of this text? According to the Constitution of India, its values can be found in the whole thing. The Preamble, on the other hand, explains "the fundamental values and the philosophy on which the Constitution is based." The Preamble to any Constitution is a short statement that tells you what the document is about.

The Preamble to the Indian Constitution does the same thing, as well. The values in the Preamble are shown as goals in the Constitution. Some of these are: sovereignty, socialism, secularism and democracy; the republican character of the Indian State; justice; liberty; equality; fraternity; human dignity; national unity and integrity; and the unity and integrity of the country as one whole. Let's talk about these constitutional values:

A lot of people have read the Preamble. It says that India is a "sovereign socialist secular democratic republic." Being sovereign means that you have full political freedom and are in charge of everything. It implies that India is powerful inside and outside. Because there is no outside interference, it is free to make its own decisions and no one inside can question its authority.

This feature of sovereignty gives us the honour of being a country in the world. Though the Constitution doesn't say where the sovereign power comes from, the Preamble clearly states that the people of India are in charge. This means that the people are the only source of power for the constitutional authorities and government bodies.

**Socialism:** You may have heard that social and economic inequalities have been a part of Indian culture for a long time. Because of this, socialism has been made a constitutional value because it is meant to help people change their lives and end all forms of inequality. Our Constitution tells the governments and the people to make sure that everyone has a well-planned and coordinated social development in every area. It tells people not to put too much money and power into the hands of a few people. In Chapters on Fundamental Rights and State Policy, the Constitution has rules that deal with inequality.

**Secularism:** As long as someone says that India is home to almost all of the most important religious groups in the world, we're happy to hear it. When there are more than one or two people, secularism is seen as a very important value for the government. Secularism means that our country isn't run by any one religion or religious rules. However, the Indian state is not against religions, but they are not welcome. It lets everyone in the country say, preach, and practise any religion they want. At the same time, it makes sure that the state doesn't have its own religion, which is important. It is against the Constitution for people to be discriminated against because of their religion.

**Democracy:** The Preamble shows that democracy is a good thing. As a form of government, it gets its power from the people. The people choose who runs the country, and the elected representatives have to answer to the people who elected them. A system called "one man, one vote" is used by the people of India to choose them to be part of the government at different levels. Democracy helps keep the society stable, make sure there is always progress, and make sure there is no violence when there is a political change. It lets people disagree and promotes tolerance. Finally, it is based on the rule of law, which means that people have rights that can't be taken away. This includes the right to vote and the right to speak freely.

**Republic:** India is not only a democratic country, but it is also a republic, which means it is not only a country. President: The President is elected and not chosen by birth like in a monarchy. This is the most important symbol of being a republic. This value strengthens and backs up democracy in India, where every Indian citizen has the same chance to be elected as the head of the country. The main point of this provision is that everyone should be able to vote.

**Justice:** There are times when you may also realise that living in a democratic system alone doesn't make sure everyone is treated fairly, because it doesn't apply to everyone in the world. Even now, there are a lot of cases where not only social and economic justice but also political justice is not being done. So, the people who made the constitution

thought about social, economic, and political justice when they made it. They have said that the political freedom that Indian citizens have should be used to help build a new social order that is fair for everyone. Every citizen should be able to get justice at some point in their lives. This idea of a just and equal society is still one of the most important values in the Indian Constitution.

**Liberty:** People should be able to think, speak, believe, and worship how they want. This is one of the main values in the Preamble. These must be made sure for everyone in every community, no matter who they are. It has been done this way because the ideals of democracy can't be reached unless there are certain basic rights that people need to live in a free and civilised way.

**Equality:** Equality is as important to the constitution as any other value. The Constitution makes sure that every citizen has the same rights and opportunities so that he or she can become the best person he or she can be. As a human being, everyone has a valuable self, and to make sure everyone can enjoy it to the fullest, inequality in any form has been banned in our country and society. Equality, which is shown in the Preamble, is a value that is important.

**Fraternity:** It also says in the Preamble that the value of fraternity, which stands for the spirit of common brotherhood among all the people of India, will be promoted in the country. In the absence of fraternity, a diverse country like India is split up. To make justice, liberty, and equality real, the Preamble places a lot of emphasis on fraternity, which is a group of people who work together. As it turns out, fraternity can be achieved not only by abolishing untouchability between different sects of the same community, but also by abolishing all discriminatory feelings that stand in the way of India's unity.

**Dignity of the individual:** To understand the dignity of each person, it is important to promote fraternity. Democracy can't work if people don't have the right to be treated with respect. It makes sure that everyone has a say in all of the things that happen in a democratic government.

**Unity and integrity of the Nation:** Previously, we saw that fraternity, which is one of the most important values, also helps to keep the country together and strong. To keep the country's independence, the unity and integrity of the country is very important. So, a lot of attention has been paid to making everyone in the country work together. Our Constitution says that everyone who lives in India has a responsibility to keep the country together and strong.

**International peace and a just international order** are important, even though they aren't in the Preamble. Other parts of the Constitution show this. People in India are supposed to keep peace and security around the world, keep relations between countries fair and honourable, respect international law and treaties, and try to settle international disputes through arbitration. This is what the Indian Constitution says. To keep and

follow these values is in the best interest of India. India's growth will be helped by a peaceful and fair international order.

**Fundamental Duties:** Our Constitution tells us what we should do as citizens, and these are called "fundamental duties." They can't be enforced in court like the basic rights, but citizens have to do these things. Fundamental duties are even more important because they reflect some very important values, like patriotism, nationalism, humanism, environmentalism, harmonious living, gender equality, scientific temper and inquiry, and individual and collective excellence, which are very important.

### Check your Progress

- 1) Define the constitution
- 2) What are the ethics of the constitution?
- 3) Define Liberty

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## 5.4 VALUES AND THE MOST IMPORTANT PARTS OF THE CONSTITUTION

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The discussion of the Preamble, which includes constitutional values, shows that these are important for the success of Indian democracy. When you read on, you'll see that constitutional values are found in all the important parts of the Indian Constitution. This will help you better understand these values. The main parts of the Constitution, as shown in the picture, are as follows:

**Written Constitution:** It has been said before that the Constitution of India is the longest written constitution in the world. It has a Preamble, 395 Articles in 22 Parts, 12 Schedules, and 5 Appendices. It also has a Preamble. It is a list of important rules that help people understand how the political system works and how the government works as a whole. It shows how India should be a democratic country. Citizens have certain rights and responsibilities that are important for them to know about in this text. While doing so, it also shows how important constitutional values are.

**A Unique Blend of Rigidity and Flexibility:** Flexibility and rigidity are mixed together in this unique way. In our daily lives, we find that it is hard to make changes to a written piece of work. As for Constitutions, written constitutions are usually very strict. It's hard to make changes to them often. The Constitution has a special way to change the Constitution. In an unwritten constitution, like the British Constitution, changes are made through the normal law-making process. The British Constitution is a constitution that can be changed. In a written constitution, like the US Constitution, it is very hard to make changes. The US Constitution, then, is a very strict constitution. Indian law is not as flexible as the British law, and it's also stricter than that of the United States. It shows how important it is to keep things going and change. There are three ways to make

changes to the Constitution of India. In the Parliament, some of its rules can be changed by a simple majority, and some by a special majority. Some amendments need to be approved by both the Parliament and the States.

**Fundamental Rights and Duties:** It is important that you know the term "fundamental rights." Quite often, we see it in the newspaper or on TV. The Constitution of India includes these rights in a separate Chapter, which has been called the "conscience" of the Constitution by people who talk about it. Those who live in the United States have a set of basic rights that protect them from the State's arbitrary and total use of power. This is what the Constitution says: It protects people's rights both against the State and against other people. The Constitution also protects the rights of people who don't agree with the majority. In addition to these rights, the Constitution lists some basic duties. These aren't as legally binding as the basic rights. These responsibilities are based on some of the values in the Constitution.

**Directive Principles of State Policy:** The Constitution also has a section called "Directive Principles of State Policy." This is in addition to the "Fundamental Rights," which are the rights that everyone has. A unique thing about the Constitution is that it has this. It is meant to make sure that there are more social and economic changes, and it helps the government make laws and policies that help people get out of poverty and stop social discrimination. Indeed, you will learn in the lesson on "India-A Welfare State" that these provisions are aimed at making India a better place to live and work for everyone.

**Integrated Judicial System:** Like the United States, the Indian Constitution set up an integrated judicial system. This is different from how federal countries run their courts, like the United States. Even though the Supreme Court is at the national level, the High Courts are at the state level, and the Subordinate Courts are at the district and lower level, there is only one kind of Court. The Supreme Court is at the top. The goal of this unified judicial system is to make sure that everyone gets the same amount of justice in the same way. This is because India's judiciary is protected by its constitution, which says that it can't be influenced by both the executive and the legislature.

**Single Citizenship:** The Indian Constitution makes it possible for one person to be a citizen. No, I don't know. It means that no matter where an Indian lives or where he or she was born, he or she is a citizen. That's not how it works in the United States of America. An American citizen is also a citizen of his/her home state. This part of the Indian Constitution is very important because it emphasises the values of equality, unity, and integrity.

**Universal Adult Franchise:** Another important part of the Constitution is that all adults have the right to vote. This shows the Constitution's values of equality and justice. Every Indian who is of age can vote. At the moment, that age is 18. The law doesn't allow people to be discriminated

against because of their religion, race, class, sex, birth place, or home. This is called "universal adult franchise," and it gives everyone the right to run their own business.

**Federal System and Parliamentary Form of Government:** This is another important thing about the Indian Constitution: It allows for a federal system of states and a form of government that is based on the people. We will go over these in more detail below. But it's important to point out that the federal system is based on the Constitution's value of keeping the country together and decentralising power. The parliamentary form of government shows that the people have a lot of responsibility and power. The most important thing about a parliamentary government is that the people's representatives are in charge of the executive.

### Check your Progress

- 1) What do you mean by Universal Adult Franchise?
- 2) What is the written constitution?
- 3) What is the integrated judicial system

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## 5.5 SUMMARY

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In conclusion, Ethics in the Constitution of India is an important topic that emphasises the significance of ethical values in defining the nation's government and ensuring social justice. The Constitution of India upholds a variety of ethical principles, including equality, justice, freedom, and fraternity, ensuring that the government operates with honesty and transparency. The study of Ethics in the Constitution of India can assist individuals in comprehending the ethical framework that governs the governance and society of India. Individuals can promote social responsibility, reduce corruption, and contribute to a more just and equitable society by upholding ethical values. Therefore, it is essential to promote and prioritise Ethics in the Constitution of India in order to ensure that the government operates with transparency, accountability, and integrity, and that individuals uphold ethical principles in their conduct, thereby contributing to a more ethical and accountable society.

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## 5.6 QUESTIONS

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- a) Why is the constitution important??
- b) Can you explain the written constitution?
- c) Explain the concept of an integrated court system.
- d) Explain the Federal System and Parliamentary Form of Government



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## FUNDAMENTAL RIGHTS

### Unit Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Meaning and Importance
- 6.3 Fundamental Rights - Overview
- 6.4 Features
- 6.5 Landmark Cases
- 6.6 Summary
- 6.7 Questions
- 6.8 References

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### 6.0 OBJECTIVES

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This topic covers the importance of fundamental rights and its significance in modern society. It also looks at how we need to apply it in the future with areas of media and communication.

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### 6.1 INTRODUCTION

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We are celebrating our 75<sup>th</sup> year of Independence from colonial rule. The Constitution of India was adopted by the Constituent Assembly on November 26, 1949. It contains the fundamental structure and code. It shows India as an independent republic with a democratic government.

Rights are essential for the existence and development of individuals. Rights are recognised by individuals, society, and state. The Fundamental rights, the most criticised part of the Constitution of India, was introduced by Dr Babasaheb Ambedkar. Fundamental rights are incorporated in Part III of the constitution. The fundamental rights along with the directive principles and fundamental duties proclaim the fundamental values and constitute the foundational principle of the constitution. Fundamental rights were discussed for 38 days, 11 days in the sub-committee, 2 days in the advisory committee, and 25 days in the constituent assembly.

But the rights have real meaning only if individuals perform duties. A duty is something that someone is expected or required to do. Thus, a right comes with an obligation to show respect for the rights of others. The obligations that accompany rights are in the form of duties. So, in this chapter, we will learn about rights, fundamental rights defined by the

Constitution of India, and duties and obligations against fundamental rights.

*Justice Gajendragadkar said in the Sajjan Singh Vs. the State of Rajasthan case, "Fundamental rights are the very foundation and cornerstone of the democratic way of life ushered in this country by the constitution"*

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## 6.2 MEANING AND IMPORTANCE

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Do you know what the term 'rights' means? The state recognises the most essential rights enshrined by the constitution. Such rights are called fundamental rights.

Rights are rules of interaction among the people. They place constraints and obligations upon the actions of the state and individuals or groups. Rights are claims that are essential for the existence and development of individuals. In that sense, there will be a long list of rights. Whereas all these are recognised by society, some of the most important rights are recognised by the state and enshrined in the Constitution. The state recognises the most essential rights enshrined by the constitution and they are called fundamental rights.

These rights are fundamental because of two reasons. First, these are mentioned in the constitution which guarantees them, and second, these are justiciable, i.e. enforceable in nature means enforceable through courts. In case of their violation, the individual can approach the courts for their protection. If a government enacts a law that restricts any of these rights, it will be declared invalid by courts. The constitution guarantees six fundamental rights to Indian citizens as follows: (i) right to equality, (ii) right to freedom, (iii) right against exploitation, (iv) right to freedom of religion, (v) cultural and educational rights, and (vi) right to constitutional remedies. While these fundamental rights are universal, the constitution provides for some exceptions and restrictions.

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## 6.3 FUNDAMENTAL RIGHTS - OVERVIEW

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The Constitution guarantees six fundamental rights to Indian citizens as follows:

**(a) Right to Equality:** The Right to equality includes equality before the law and the equal protection of laws (article 14), prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth (article 15), equality of opportunity in matters of public employment (article 16), and the abolition of untouchability and the system of titles (article 17 and 18). The purpose of this right is to establish the rule of law where all the citizens should be treated equally before the law.

**(i) Equality before Law:** The constitution guarantees that all citizens will be equal before the law. Everyone will be equally protected by the laws of the country. No person is above law. Law will act without any discrimination.

**(ii) No Discrimination on the basis of Religion, Race, Caste, Sex, or Place of Birth:** The state cannot discriminate against a citizen on the basis of religion, race, caste, sex, or place of birth. For social equality, every citizen of India has equal access to shops, restaurants, places of public entertainment, or the use of wells, tanks, or roads without any discrimination.

**(iii) Equality of Opportunity to all Citizens in a matter of Public Employment:** The state cannot discriminate against anyone in the matter of public employment. All citizens can apply and become employees of the state. Merits and qualifications will be the basis of employment. However, there are special provision for the reservation of posts for citizens belonging to Scheduled Castes, Scheduled Tribes, and Other Backward Classes (OBCs).

**(iv) Abolition of Untouchability:** Practising untouchability in any form has been made a punishable offense under the law.

**(v) Abolition of Titles:** All the British titles like Sir (Knighthood) or Rai Bahadur which were given to the British loyalists during the British rule, have been abolished because they created distinctions of artificial nature. However, the President of India can confer civil and military awards to those who have rendered meritorious service to the nation in different fields.

### Check your progress

1. Can you name any three civil and military awards?
2. Explain state definition under article 12.

**(b) Right to Freedom:** The right to freedom includes the right to protection of life and personal liberty (article 21) and the right to freedom of speech and expression, assembly, association or union, movement and to reside and settle in any part of India and the right to practice any profession or occupation (article 19).

Freedom is the most cherished desire of every living being. The Constitution of India provides the Right to Freedom to all its citizens. This right comes under Articles 19-22.

Article 19 of the constitution provides for the following six freedoms:

- (a) Freedom of speech and expression
- (b) Freedom to assemble peacefully and without arms
- © Freedom to form sssociations and unions
- (d) Freedom to move freely throughout the territory of India
- (e) Freedom to reside and settle in any part of India

(f) Freedom to practice any profession or to carry on any occupation, trade, or business

The purpose of providing these freedoms is to build and maintain an environment for the proper functioning of democracy.

Article 19 contained seven rights. But, the right to acquire, hold and dispose of the property was deleted by the 44th Amendment Act of 1978. The six rights are protected against only state action and not private individuals. Moreover, these rights are available only to the citizens and to shareholders of a company but not to foreigners or legal persons like companies or corporations, etc. The state can impose 'reasonable' restrictions on the enjoyment of these six rights only on the grounds mentioned in Article 19 itself and not on any other grounds.

**Article 20** of the Constitution provides for the protection in respect of conviction for offenses. It grants protection against arbitrary and excessive punishment to an accused person, whether a citizen or foreigner or legal people like a company or a corporation. It contains three provisions in that direction:

(a) No ex-post-facto law: No person shall be (i) convicted of any offense except for violation of a law in force at the time of the commission of the act, nor (ii) subjected to a penalty greater than that prescribed by the law in force at the time of the commission of the act.

(b) No double jeopardy: No person shall be prosecuted and punished for the same offense more than once.

(c) No self-incrimination: No person accused of any offense shall be compelled to be a witness against himself.

**Article 21** declares that no person shall be deprived of his life or personal liberty except according to the procedure established by law. This right is available to both citizens and non-citizens.

The right to life and personal liberty of a person can be deprived by law provided the procedure prescribed by that law is reasonable, fair, and just. the protection under Article 21 should be available not only against arbitrary executive action but also against arbitrary legislative action. The 'right to life' as embodied in Article 21 is not merely confined to animal existence or survival but it includes within its ambit the right to live with human dignity and all those aspects of life which go to make a man's life meaningful, complete and worth living.

**Article 21 A** declares that the state shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the state may determine. This provision was added by the 86th Constitutional Amendment Act of 2002. This amendment is a major milestone in the country's aim to achieve 'Education for All'.

**The Supreme Court has declared the following rights as part of Article 21**

Fundamental Rights

- Right to live with human dignity
- Right to the decent environment including pollution-free water and air and protection against hazardous industries
- Right to livelihood
- Right to privacy
- Right to shelter
- Right to health
- Right to free education up to 14 years of age
- Right to free legal aid
- Right against solitary confinement
- Right to a speedy trial
- Right against handcuffing
- Right against inhuman treatment
- Right against delayed execution
- Right to travel abroad
- Right against bonded labor
- Right against custodial harassment
- Right to emergency medical aid
- Right to timely medical treatment in government hospitals
- Right not to be driven out of a state
- Right to a fair trial
- Right of a prisoner to have necessities of life
- Right of women to be treated with decency and dignity
- Right against public hanging
- Right to hearing
- Right to information
- Right to reputation
- Right of appeal from a judgment of conviction
- Right to social security and protection of the family
- Right to social and economic justice and empowerment
- Right against bar fetters

## Check your Progress

1. Explain Gopalan Case and Maneka Gandhi case for article 21

**Article 22** says that whenever a person is arrested, he or she should be informed, as soon as it is possible, of the grounds for arrest and should be allowed to consult and to be defended by a legal practitioner of his or her choice. Moreover, the arrested person must be produced before the nearest magistrate within 24 hours of such an arrest except for a person who has been arrested under preventive detention law.

**(c) Right Against Exploitation:** The right against exploitation, prohibiting all forms of forced labour, child labour and traffic in human beings (articles 23 and 24).

Constitution makes provisions against exploitation. The citizens have been guaranteed the right against exploitation through Articles 23 and 24 of the Constitution.

Prohibition of traffic in human beings and forced labour: Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any breach of this provision shall be an offense punishable in accordance with law Prohibition of employment of children in factories, etc.

As the constitution provides, no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. This right aims at eliminating one of the most serious problems, child labour, that India has been facing for ages.

**(d) Right to Freedom of Religion:** The right to freedom of conscience and free profession, practice, and propagation of religion (article 25 to 28).

India is a multi-religion country, where Hindus, Muslims, Sikhs, Christians, and many other communities live together. The preamble describes our Republic inter alia as secular. The concept of secularism in the constitution is not anti-religion. It only means that the state has no religion. However, it allows full freedom to all the citizens to have faith in any religion and to worship, the way they like provided that this should not interfere with the religious beliefs and ways of worship of other fellow beings.

### Freedom of conscience and religion

All persons are equally entitled to freedom of conscience and the right to profess, practice, and propagate religion freely. This right to religious freedom is, however subject to i) public order, ii) morality iii) health and iv) other fundamental rights. The constitution provides the right to freedom of religion and one cannot force another person to convert others' religious identity by force or allurement. In the Stanislaus v State of M.P (AIR 1977 SC908) case, the Supreme court has held that the right to propagate religion does not include any right to forcible conversion as these may disturb the public order. It is pertinent to note that the

constitution does not support inhuman, illegal, and superstitious practices. The law regarding public order, morality, and health cannot be violated in the name of freedom of religion.

### **Freedom to manage religious affairs**

Article 26 says the freedom to establish and maintain institutions for religious and charitable purposes, to manage their own affairs in matters of religion, and to own and acquire and administer property. The administration of property has to be according to law. Article 26 is also subject to public order, morality, and health but not subject to other fundamental rights.

### **Read the following cases for a better understanding of the right to freedom of conscience and free profession, practice, and propagation of religion**

1. Jagdishwaranand v. Police Commissioner, AIR 1984 SC 51.
2. Mohd. Hanif Quareshi v. State of Bihar, AIR 1958 SC 731.
3. TMA Pai case, AIR 2003 SC 355.
4. Ratilal v State of Bombay, (1954) SCR 1055; Ramanuja v. the State of Tamilnadu, AIR 1972 SC 1586; Commissioner, HRE v. Lakshminira (1954) SCR 1005; Digyadarshan v. State of Andhra Pradesh, AIR 1970 SC 181.

### **Freedom Not to Pay Taxes for Religious Promotion**

Article 27 says that no person shall be compelled to pay any taxes for expenses on promotion or maintenance of any particular religion. If the taxes were used for the promotion of all religions there could be no objection.

### **Freedom Not to Attend Religious Instruction**

Article 28 restrains any religious instruction being imparted in educational institutions wholly maintained by state funds. In the case of other institutions recognised and aided by the state, there will be freedom for every person not to participate in religious instruction or worship.

**(e) Cultural and Educational Rights:** The right of minorities to conserve their culture, language, and script and to establish and administer educational institutions of their choice. (articles 29 and 30)

### **Protection of Interests of Minorities**

**Article 29** guarantees to "every section of the citizens" residing anywhere in India and "having a distinct language, script or culture" the right to conserve the same. No citizen can be denied admission to any educational institution maintained or aided by the state on grounds only of religion, race, caste, or language.



Democracy is a rule of the majority. But the minorities are also equally important for their successful working. Therefore, the protection of the language, culture, and religion of the minorities becomes essential so that the minorities may not feel neglected or undermined.

**Article 30(1) says all minorities whether based on religion or language, have the right to establish and administer educational institutions of their choice.** Article 30 is strictly in the nature of a minority right, i.e. one intended to protect the rights of minorities. Clause 1(A) added by the 44th Amendment, in effect provides that if the property of any such institution is acquired, the compensation paid would be proper and adequate so that the right given by the article remains meaningful. Clause 2 provides that in the matter of giving aid, the state shall not discriminate against minority-managed institutions. The right of minorities under this article to 'establish and administer' educational institutions of their choice includes the right to choose the medium of instruction.

**(f) Right to Constitutional Remedies:** The right to constitutional remedies for the enforcement of all these fundamental rights (article 32).

### **Characteristics of article 32**

- Right to remedies for the enforcement of the fundamental rights
- Right to get fundamental rights protected
- Right to move the Supreme Court for enforcement of the fundamental rights
- The SC shall have the power to issue direction or orders or writs for the enforcement of any fundamental rights;

### **Types of Writs -**

#### **1. Habeas corpus**

Under the habeas corpus an order issued by the court to a person who has detained another person; individual liberty against arbitrary detention. It Can be issued against both public authorities and private.

#### **2. Habeas corpus**

It is issued by the court to a public official asking him to perform the official duties that he has failed or refused. This writ cannot issue against a private entity.

#### **3. Prohibition**

Prohibition is issued by a higher court to a lower court or tribunal to prevent from exceeding its jurisdiction.

#### 4. **Certiorari**

It is issued against lack or excess of jurisdiction or error of law by a higher court to a lower court or tribunal, either to transfer a case pending or to squash the order issued.

#### 5. **Quo Warranto**

It is issued by the court to enquire into the legality of the claim of a person to a public office.

#### **Writs scope –**

- Supreme Court can issue writs only in enforcement of fundamental rights whereas High Court can issue in fundamental rights as well as another purpose
- Supreme Court can issue throughout the territory of India; High Court can issue only in its jurisdiction
- Supreme Court cannot refuse to exercise its writ but High Court can

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### **6.4 FEATURES OF FUNDAMENTAL RIGHTS**

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The fundamental rights guaranteed by the constitution are characterised by the various features and bound by duties and obligations. They have met with wide and varied criticism.

- Some of them are available only to the citizens while others are available to all persons whether citizens, foreigners, or legal persons like corporations or companies.
- They are defended and guaranteed by the Supreme Court.
- They are not absolute but qualified. The state can impose reasonable restrictions on them. However, whether such restrictions are reasonable or not is to be decided by the courts.
- Most of them are available against the arbitrary action of the state, with a few exceptions like those against the state's action and against the action of private individuals.
- They are justiciable in nature and allow persons to move the courts for their enforcement, if and when they are violated.
- Some of them are negative in character, that is, place limitations on the authority of the state, while others are positive in nature, conferring certain privileges on the persons.
- They are not sacrosanct or permanent. The Parliament can curtail or repeal them but only by a constitutional amendment act and not by an ordinary act. It is pertinent to note that this can be done without affecting the 'basic structure' of the constitution.

- They can be suspended during the operation of a national emergency except for the rights guaranteed by Articles 20 and 21. Further, the six rights guaranteed by Article 19 can be suspended only when an emergency is declared on the grounds of war or external aggression.

**Please note:**

Article 33 empowers the Parliament to modify the application of fundamental rights to the armed forces or forces charged with the maintenance of public order, intelligence personnel, etc. in the interest of discharge of duties and maintenance of discipline. However, even when the appellate jurisdiction of courts is excluded in cases of court-martial, the writ jurisdiction remains (unless taken away by law under article 33) and there have been several resorts to the remedy. Under article 34, the Parliament may by law indemnify any person for anything done in contravention of fundamental rights for maintenance of order during the operation of martial law. Article 35 lays down that the power to make laws to give effect to certain specified fundamental rights shall vest only in the Union Parliament and not in State Legislature.

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## 6.5 LANDMARK CASES

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- Kesavananda Bharati vs the State of Kerala
- Maneka Gandhi vs Union of India
- Justice K S Puttaswamy vs Union of India
- A K Gopalan vs the State of Madras

**Check your progress**

1. President can suspend the right to move any court for the enforcement of fundamental rights during a national emergency. Do you know under which article President can impose a national emergency?
2. Compare article 32 with article 226.
3. Make a list of fundamental rights available for citizens and non-citizens.

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## 6.6 SUMMARY

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In conclusion, learning about people's rights and liberties under the Indian Constitution is why studying basic rights in India is so important. All people should be guaranteed the right to an adequate standard of living, including freedom from want and safety from abuse and prejudice. A more just and equitable society may be achieved via the study of basic rights, which also empowers citizens to bring the government to account for any abuses. Further, a more dynamic and inclusive democracy might result from increased civic involvement and participation thanks to a deeper comprehension of fundamental rights. Fundamental rights research in

India is crucial to building a society that respects and promotes the ideals of equity, fairness, and inclusion.

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### **6.7 QUESTIONS**

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1. What do you mean by fundamental rights?
2. Discuss the freedom to manage religious affairs
3. What are the fundamental rights available to citizens?

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### **6.8 REFERENCE**

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## INDIA'S CRIMINAL JUSTICE SYSTEM

### Unit Structure

#### 7.0 Objectives

#### 7.1 Introduction

#### 7.2 Purpose of the Criminal Justice System

#### 7.3 Evolution of the Criminal Justice System

#### 7.4 Components of the Criminal Justice System

#### 7.5 The Police System

#### 7.6 Summary

#### 7.7 Questions

#### 7.8 References

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### 7.0 OBJECTIVES

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- Explain what the Criminal Justice System is all about.
- Look at how the Criminal Justice System has changed over time.
- Know the main goal of the Criminal System;
- Describe the main parts of the Criminal Justice System;
- and talk about how the parts work together.

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### 7.1 INTRODUCTION

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The Criminal Justice System is a tool that the government uses to make sure that people who are under their authority follow the rules of the law. Since time immemorial, people in civilised society have come up with a variety of ways to punish people for crimes. This is the main way the Criminal Justice System tries to meet its goals. Major parts of the Criminal Justice System are the police, prosecutor, judge, and prisons, which are now known as "correctional institutions" because of the new Correctional Philosophy.

The Prosecution and Defense Counsel subsystems of the CJS have stayed behind and aren't as well-known as other parts of the CJS. Furthermore, the Probation and Parole subsystems and other people who work in the Criminal Justice System play a very important role. When one part or segment of the system is done, it has an effect on the other parts or

segments that are done as well. People who work for the police are at the start of what we call the formal CJS.

India's criminal justice system

Every time there is a crime, the CJS gets the raw facts about it from either the police or a magistrate. (Section 190). As soon as someone reports or says something bad, the executive (the police) gets to work. They can get the best evidence, talk to witnesses, arrest and search and seize things, and so on. Arresting someone means giving them the power to stay and get bail in every case where the investigation goes well and leads to a positive chargesheet (Section 173) or a negative report for the prosecution.

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## **7.2 PURPOSE OF THE CRIMINAL JUSTICE SYSTEM**

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To be clear, only a small number of crimes are reported to the police, and only a small number of crimes that were reported to the police end up in court. Finally, only a very small number of cases that go to trial in the court of law come to a good end. People lose faith in the criminal justice system because there are too many delays in getting the cases settled, which puts a lot of pressure on the system.

The main goal of the Criminal Justice System is to protect the people and their property and bring the people who break the law to justice. In other words, the main goal of the Criminal Justice System is to make sure both the criminal and the victim get what they deserve. Every society wants to be orderly, peaceful, and just, but there are people in every society who make law and order problems.

The credibility of the Criminal Justice System is very important to the quality of a civil society. A CJS that claims to have a high arrest rate and a high conviction rate may not be ideal if it has a low credibility rate in the eyes of the general public.

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## **7.3 EVOLUTION OF THE CRIMINAL JUSTICE SYSTEM**

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Right from the start, humans have come up with a variety of ways and methods to keep society safe and stop people from becoming criminals. The way to stop people from being bad varies from society to society and from time to time in the same society. However, the main part of the mechanism is the process of being arrested, going to court, and getting punished.

The way people are arrested, tried, and punished changes a lot with the rise of civilization, as well as the social, economic, and political conditions that existed at different times in history.

People who study penal law say that it has gone through three main stages: the first is strict liability, and the second is moral wickedness or a guilty mind. The concept of moral wickedness was added to by the test of being able to predict what will happen.

The Criminal Justice System has a long history. During the 12th Century, the Crown in England took over the administration of justice, and the compensation was to be paid to the Crown rather than to the person who was hurt. However, no formal methods were used. Before the 18th Century, the Criminal Justice System used informal methods and didn't follow the law that was not written down. It is a fact of history that some formalised legal codes and state-managed procedures can be traced back to the ancient era. They outline how the Criminal Justice System works. King Hammurabi of Babylon came up with a set of rules called the Code of Hammurabi in the 18th century BC. It was the first known set of rules. This code was made to control a wide range of human activities.

Dwivedi (2004) says that in ancient India, the law of dharma, which is found in the Vedas, was the most important thing. This is because the law of dharma was thought to be the most important thing in ancient India. The king had the power to punish the person who did something bad. History: The King started making laws and regulations as the society progressed, taking into account local customs and practises. The ancient Hindu law didn't make a clear distinction between crime and civil wrongdoing, but this changed as the society progressed. The changes in the system took a long time, but they were still very small and steady.

After the Muslims took over the country, Muslim law was brought in, and Indian courts used Muslim criminal law when they did their job. He said that the main source of Muslim criminal law was from the holy Quran and Hadis. The Qazis were in charge of explaining and explaining the laws.

Crimes against God, like adultery and drunkenness, were broken down into crimes against man, like killing or robbing. When people did things against God, they did them in front of other people and they were punished by their community. The crimes against man were seen as private and punishable, but the victim or the victim's next kin played a big role in the nature and amount of punishment. Payment of blood money could close the case.

People were punished with Qisas, Diyut, Hadd, and Tazer and Siyasa, which are all types of retaliation (discretionary and exemplary punishment). Before the East India Company took over the administration of justice, there were a lot of problems with how things were done in general.

A group of three provinces in India called Nizamat was bought by the East India Company in 1765. This group was made up of Bengal, Bihar and Orissa. The Company, in order to do justice, kept things the same at first, but changes were made on a regular and gradual basis. Changes were made to the way people were tried and the punishments they received.

Warren Hastings was the first person to try to change the nature of punishments. Lord Cornwallis then made a lot of changes to the substantive criminal law. One law at a time, each Presidency had its own set of rules and regulations, and they were different from each other in many ways.



When all the Presidencies were brought under common rule, there were differences in the rules and regulations. It was decided that piecemeal reforms would not work, so the Charter of 1833 was passed. This law created the All-India Legislature, the Office of the Law Member in the Council of the Governor General, and the Law Commission.

One of the first law commissions was set up in 1834, with Lord Macauley as its head. People in the Legislative Council have seen a draught report from the Commission. The Legislative Council approved of it and sent it to the Governor General for his OK. There was a new draught of the Penal Code that was approved by the Governor General. It came into effect on January 1, 1862.

There are four main parts to the law: the Penal Code defines crimes and criminal behaviour, the Criminal Procedure lays out how the crimes will be tried, and the Law of Evidence deals with evidence. The Constitution, along with other important issues, deals with the rights and duties of both the State and its subjects. There are a lot of other laws that define offences, give people rights and responsibilities, and set out how to deal with specific offences. Further, courts have also played a role in interpreting the law. When judges have been more active, the criminal system has grown a lot more.

### Check your Progress

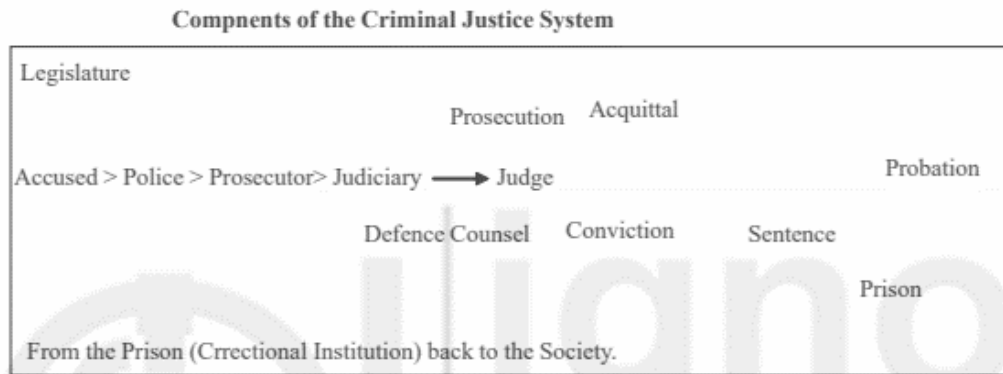
- 1) Discuss the evolution of the criminal justice system
- 2) How should one look at the criminal justice system?
- 3) Why is there a need for criminal justice system?

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## 7.4 COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM

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In general, the Criminal Justice System is in charge of "preventing and controlling crime." This includes arresting, putting someone in jail or prison, and then getting them out and getting them back on their feet. They are set down by the legislature in the form of law. The main parts of the Criminal Justice System are the Police, the Judiciary, and the Correctional Institutions. A big part of the Criminal Justice System is also the legislature. All laws come from there, and that's where they start to be written and passed. Those who are in charge of making the rules are called judges. The police are in charge of making them happen. The parts of the criminal justice system are shown in the following table, and you can see them all.



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## 7.5 THE POLICE SYSTEM

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The word "police" comes from the Greek word "polis," which means the State. This might be because they show how powerful the state is. They say that the role and function of the police in a country are determined by how the State is set up. During the uprisings of 1857, the British, who were well-versed in justice, made a lot of changes in the way the police were run. During British India, there was a police act that was passed in 1861. This law set up a regular police system.

When it comes to criminal justice, police have the most unpleasant job.

There is more to the Criminal Justice System than just getting in. The Police are at the cutting edge of everything else in it. It's very important for the people and the government to have a visible link like the police. The government's authority is put into action by them, and they also face any kind of resistance that no one else does, except the police. Isn't it true that all of the parts of the Criminal Justice System work together? Prosecutors, police, the courts, and so on all work together. What happens in one part of the system affects the other parts. The police are an important part of the whole system. Sociologists agree that when people are in a social position, they aren't just acting in their own unique ways. Instead, they are acting in the bundles of socially defined attributes and expectations that come with that position. The police are in a very important place when it comes to social control. They are probably only as important as the family and other personal groups.

The British set up the modern police force in India. It was hard to change the law about police work in the country even after it became independent. The Indian Police Act, 1861, was passed by the British in India. The country has uniform police. Under the Act, the police can do certain things and have certain powers. Further, the Criminal Procedure Code, which has been changed from time to time, gives the police a lot of power, including the power to investigate the crimes, arrest, search, and seize things.

The police have to act in a certain way as a group, even if they don't like it or their families don't like it, even if it means sacrificing their own feelings. Today, the job of the police is more than just to keep law and order. People who work for the police often have an impact on their

families' socioeconomic and psychological well-being because of their job or how they work.

In the Criminal Justice System, the police are at the start. They're supposed to do everything from gathering evidence from the scene of the crime to questioning witnesses and recording confessions and statements before they go to court.

Magistrate arrest, search, and seizure, as well as keeping law and order, are all things that the police do, so the whole fire is on them. The Indian Police Act, which is the main law that governs how the police work, has been in place for a long time now. The Code of Criminal Procedure 1973 has kept the basic structure of the old rules and has a procedural system.

The police officer in charge Staton, the head of the local government, still has a lot of power under the criminal procedure law, which can conflict with democratic values. To keep law and order, the powers in question are about house searches, arrests on suspicion, and other things.

People say that the police are there to protect them, but in reality, the people are afraid of the police and have bad feelings toward the police. In fact, the public's view of the police is based on the abuses and excesses that the police do on a daily basis. People who aren't very professional in the Police Force are to blame for this. The Malimath Committee on Criminal Justice Reform (2003) has a lot of faith in the police, which the MCR says is the best way to fight crime, including terrorism.

When the people and the government work together, there is only one person who can show that they work together. The police are the only ones who can show that the government has power, and no one else can show that the government can do anything but the police. They are important because they help keep our complicated society together, so they are important. They keep the citizen working and prospering inside the rules. When a society doesn't have an organised police force, it doesn't work. The police force that does exist needs to be well organised and effective. It might not be possible to completely stop the criminals and make the crime rate go up, so it might. People know that police in most parts of the world haven't been able to stop all of the crime and delinquency.

The police are the most hated part of any government, no matter what kind of government it is. In India, the police aren't just a source of dislike but also a source of hate. Nobody likes a policeman in England, says Holcomb. In the U.S., cops are known as pigs. In most countries, police are accused of being high-handed and inhumane, torturing suspects and not doing their jobs well. There is a common belief that the police work for the politicians because they have too much power.

No doubt, all the parts of the Criminal Justice System, like the police, prosecution, courts, and prisons, are connected to each other. What happens in one part of the system has a direct effect on the other parts of the system, too. Every part of the Criminal Justice System needs to work together in a way that makes sense. In the criminal justice system, it has

been found that there is very little effective and proper coordination between the different parts. This usually works in the favour of the offender. The criminal justice system needs to work together in a way that is both efficient and correct in order for it to work smoothly.

### **Check your Progress**

- 1) What are the components of criminal justice system
- 2) Discuss the importance of the police system

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## **7.6 SUMMARY**

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The study of the criminal justice system in India is significant because it enables individuals to comprehend how the justice system operates in India, the laws that regulate illicit behaviour, and the procedures and institutions involved in the process. Individuals can defend themselves from unfair treatment, navigate the legal system more effectively, and hold law enforcement and judicial authorities accountable for abuses of power if they have a thorough comprehension of the Indian criminal justice system.

The study of the criminal justice system also reveals the social and economic factors that contribute to illicit behaviour and the means by which the system can be reformed to better serve the requirements of society. It can help identify gaps and inefficiencies in the system and highlight areas where resources and reforms are required to ensure that all individuals' rights are protected and justice is served.

Moreover, the criminal justice system is an essential pillar of a democratic society, and researching it can help individuals engage in substantive dialogues and debates about justice and human rights. By researching the criminal justice system in India, individuals can become knowledgeable and engaged in the democratic process, thereby fostering social justice and equality for all. Overall, the study of India's criminal justice system is essential for constructing a fair, just, and equitable society that upholds the rule of law and safeguards the rights of all its citizens.

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## **7.7 QUESTIONS**

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1. Briefly describe the evolution of the criminal justice system.
2. What are the fundamental functions of the criminal justice system?
3. What are the various elements of the criminal justice system?
4. What are the primary responsibilities of the police?

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## CRIME, PUNISHMENT, REFORM, AND IPC

### Unit Structure

8.0 Objectives

8.1 Introduction

8.2 History

8.3 Crime

8.4 Punishment

8.5 Reform

8.6 Summary

8.7 Questions

8.8 References

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### 8.0 OBJECTIVES

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Punishment and reform can assist people comprehend the criminal justice system and how criminals are punished and rehabilitated. This might involve assessing the efficiency of various sanctions, such as jail, fines, and community service, in decreasing crime and improving social justice. Learning the IPC can help people comprehend Indian criminal laws. This can assist criminal defendants grasp their legal rights and duties and navigate the court system. Finally, studying crime, punishment, reform, and IPC may help people think critically and analyse complicated societal issues.

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### 8.1 INTRODUCTION

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The Indian Penal Code (IPC) has been in place since before independence. The law covers various types of crimes and punishments. It has been amended from time to time. The law still needs to be improved and modernised. Various changes have been suggested in the law by various governments and legislators. It is often alleged that some of the provisions of the law date back to the 18th and 19th centuries. The nature of crime is also changing regularly. Constituting the penal code to curb crimes is the basic function of IPC.

In this unit, we will see the history of the IPC, and how it was established in India? What are crimes and Punishments? What reforms do we need to update the IPC?

Crime, Punishment,  
reform, and IPC

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## 8.2 HISTORY

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The first draft of the IPC was introduced by the Law Commissioner, Lord Macaulay. The draft was presented to the Governor-General around 1837. But many changes were suggested by officials and law experts. Suggestions of various officials were included and it was placed in the Legislative Council in 1856. The uprising of 1857 delayed its passage, and finally, on January 1, 1862, the IPC came into force.

The law has been amended from time to time. Various changes have been suggested in the law by various governments and legislators. It is often alleged that some of the provisions of the law date back to the 18th and 19th centuries. The nature of crime is also changing regularly. The number of financial and technology-based crimes has increased. A number of committees have been set up to ensure that the nature of the law is made up-to-date.

IPC has been amended more than 75 times. Recommendation from the 42<sup>nd</sup> report of the law commission in 1971 is said to be an exclusive recommendation made by any commission. However, it has still not been adopted totally. Out of 75 amendments, the criminal law amendments of 2013 and 2018 were the major amendments so far. Anti-dowry and rape laws were seen as significant amendments in recent times.

**Following are the details of the Indian penal code.**

Section	Description
1-5	Preamble
6-52A	General explanations
53-75	Punishments
76-106	General Exceptions
107-120	Abetment
120 A- 120 B	Criminal Conspiracy
121-130	Offence against the state
131-140	Offence relating to the Army, Navy and Air Force
141-160	Offence against Public Tranquillity
161-171	Offence related to Public Servants
171 A -171 I	Offence related to Elections
172-190	Contempt of the Lawful Authority of Public Servants



191 -229A	Fl evidence and offense against Public Justice
230-263 A	Offence relating to coin and government stamps
264-267	Offence relating to weights and measures
268- 295A	Offense affecting the public health, safety, convenience, decency, and morals
296-298	Offence related to religion
299-311	Offence related to Human Body
312-318	Of the causing Miscarriage, injuries to unborn children, the exposure of infants, and of the concealment of Births
310-338	Hurt
339-348	Wrongful restraint and confinement
349-358	Criminal Force and Assault
359-374	Kidnapping, Abduction, Slavery, Forced Labour
275-376 E	Sexual Offence
377	Unnatural offenses
378 – 462	Offense against Property
463 -489E	Offense relating to documents and property marks
490-492	Criminal breach of contracts of service
493-498	Offense related to Marriage
498 A	Cruelty by Husband and relatives of the husband
499-502	Defamation
503 -510	Criminal intimidation, Insult and Annoyance
511	Attempt od commit offenses

### Check your Progress

1. Explain the offenses related to Human Body
2. Why did the British government establish the Indian Penal code. Write down 3 reasons.

## 8.3 CRIME

### Introduction

According to Blackstone, a crime is an act committed or omitted, in violation of a public law either forbidding or commanding it. It is an act of an individual or group which harmful to society at large and against its fundamental interest. Crime is treated as the wrong things, events, or incidents that happen to human beings. The government has the authority

to punish criminals. Crimes are committed knowingly or unknowingly and the judiciary has the power to decide their authenticity. Although the government and the judiciary are two separate entities, it is the government that makes the laws and the judiciary that implements the laws made by the government. Crime is not just a misdemeanour but a form of behaviour that is bound to hurt society. Even if the crime was committed for personal reasons between the perpetrator and the victim, it is considered that the act is committed to harm society at large.

Crime basically follows the Latin maxim, “*actus non facit reum nisi mens sit rea*”. It means the act does not amount to guilt; it must be accompanied by a guilty mind. With the act of crime, the mind also needs to be guilty to constitute a crime. Act and guilty mind have to be present in the crime. Mere one of these would not be sufficient to constitute a crime.

### **Essential elements to constitute a crime**

#### **Actus reus**

Actus reus is human conduct that the law does not permit or prohibit from doing. The act (may be positive or negative) inflicts harm to any person or group or property is a guilty act. It is the act or omission that comprises the physical elements of a crime.

#### **Mens Rea**

Mens rea is the guilty mind which is required to commit any offense or crime. It is the intention or knowledge to commit the wrongful act in the conscious state of mind. To fulfil mens rea condition guilty mind, conscious state of mind and voluntarily committing wrongful act are necessary.

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## **8.4 PUNISHMENT**

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Punishments are necessary to curb the crime rate. The state can define what is crime, but without punishment, it cannot create a safer atmosphere in a society. There are various opinions in society about the nature of the punishment and whether it is necessary to give punishment for the crimes. Many debates have been going on about the kinds of punishments.

In order to call a wrongful act a crime, it should not only be prohibited by the law but should also be punishable by the state. The main objective of criminal law is to curb crime by punishing the offenders.

**Following are theories of punishment that determine the kind of punishment to be given to the offender -**

### **1. Deterrent Theory**

The founder of this theory is Bentham.

It is based on the thought of, if punishment is given to one offender, it will deter the others from committing similar offense.

Punishment will create a sense of fear or guilt in the minds of others and eventually prevent them from doing the same offense.

Unpunished crime will open the path for evil motives to repeat the same offense.

## **2. Retributive Theory**

It is the oldest form of punishment where the thought of revenge and retribution is considered.

The punishment should be given in an equal state to the loss or harm caused by the wrongful doing.

Modern law experts are against this theory. However, it was practiced in many parts of the world.

## **3. Preventive Theory**

As the name suggests, this theory believes in preventing crimes rather than taking revenge. In this theory, revenge is less important as prevention of crime and protection of society is essential.

## **4. Reformative Theory**

This theory focuses on reforming the offender rather than punishing him. This theory is based on the rights of every human being. It is considered to be the humane theory. In this theory, supporting the rehabilitation of offenders and making them law-abiding citizens is followed.

### **Types of punishments in the Indian Penal Code -**

Punishments are decided by the gravity of the offense. Graver the offense, the stricter the punishment. Determination of the quantum of punishment is crucial and it is decided on intention, motive, harm caused, provocation, etc.

Section 53 of the IPC provides the details about the punishments -

death sentence, life imprisonment, imprisonment, forfeiture of property, and fine are the main types of punishments.

The death sentence is awarded only for a few offenses and in the rarest of rare cases. Currently, many countries are of the opinion of abolishing the death sentence punishment. It is known in India as capital punishment. In life imprisonment wrongdoer is sentenced to rigorous imprisonment till the last breath. Imprisonment may be simple or rigorous.

### **Check your Progress**

1. Difference between compensation and fine
2. Explain the Latin maxim *Actus Dei Nemini Injuriam*

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## 8.5 REFORM

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Crime, Punishment,  
reform, and IPC

The nature of any law should be dynamic. It should evolve with time. Therefore, we have so many amendments to various laws we practice. We have witnessed many amendments in our constitution provided that the basic structure remains the same. When we make laws for society, it needs to be in tune with changing social policies. The law should be framed by incorporating the method of crime, the nature of punishment, and the new social structure.

### **Following reforms are being discussed on various platforms -**

1. During the colonial rule, to suppress the freedom movement, the British introduced Sedition law under section 124 A. It is still practiced and today we do not have any uprising movements against the political power. We are following the wrong practice of using the sedition law against people who criticise the government.

2. Criminal law amendments of 2013 gave us a broader perspective on the case of rape crime. It also provides relief to the victim. But we still do not recognise men, hijras, and boys as the victims of rape and only consider women as victims of rape. So gender-neutral law is a need of the hour.

3. Punishments provided in chapter III of the code are mere punishments. IPC does not mention any community service or criminal reform punishment. In modern times the idea of human rights and giving equal opportunity to every person is rising. Criminals are also part of society and we cannot exclude them. We can definitely inculcate community service and criminal reform punishment in smaller offenses.

4. Lack of clear definition in the code is another drawback. E.g. the word obscene is used in section 294 but it is not defined anywhere in the code. So, it is open for interpretation at the discretion of the court.

5. Vagueness can be cut down by giving a proper and meaningful explanation. For example, the distinction between culpable homicide and murder is criticised as the weakest link in the IPC. It is because the definition of culpable homicide is defined, but homicide is not defined.

So, in a way, the IPC should inculcate various reforms that solve modern social issues with help of the code. Constructing new offenses with restructurings of the current offenses with restorative punishments can be brought into this reform fold.

### **Check your Progress**

1. Sedition law was in the news in recent times. Can you find the reason and current status?
2. What is the difference between IPC and CrPC?

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## 8.6 SUMMARY

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In conclusion, it is essential to study Crime, Punishment, reform, and IPC in order to gain a comprehensive understanding of criminal behaviour, the legal system, and the means by which society can prevent and address crime. It explores the underlying causes of criminal behaviour, the various methods used to punish and rehabilitate offenders, and the laws and regulations that govern criminal behaviour in India.

Moreover, studying these subjects can foster critical thinking and analysis, enabling individuals to engage in informed and fruitful discussions and debates about justice, human rights, and the criminal justice system's role in promoting social justice and equality. It can also assist individuals in becoming knowledgeable and engaged participants in the democratic process, advocating for reforms and policies that better serve the needs of society.

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## 8.7 QUESTIONS

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1. What are the key distinctions between the IPC and the CrPC?
2. What do you mean by reform?
3. Discuss Preventive Theory

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## GLOBAL JOURNALISM ETHICS

### Unit Structure

#### 9.0 Objectives

#### 9.1 Introduction

#### 9.2 Code of ethics for media

#### 9.3 Being ethical in print media

#### 9.4 Ethical norms

#### 9.5 Freedom of press and right of policy

#### 9.6 Remedial measures for maladies in mass media

#### 9.7 Social responsibility and the media

#### 9.8 Ethics in producing and screening movies

#### 9.9 Media ethics: Practical application and solution

#### 9.10 Summary

#### 9.11 Questions

#### 9.12 References

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### 9.0 OBJECTIVES

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The unit talks about the nature, role, and important parts of media ethics. In order to understand what media ethics are and how important they are, one should first learn about them. Thus, this chapter with different sections on media ethics is meant to show this point.

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### 9.1 INTRODUCTION

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There are a lot of things that people think, feel, and do based on what they know and what images and feelings they have been exposed to. There are a lot of ways we learn about what's going on right now: from the newspaper, the radio, TV, and movies. The media also has a big impact on how we feel and think. There are people who not only report on current events and history of the world, but they also help to make it happen. The only way we can think about both domestic and world issues correctly and clearly is if we have the right information. There is a real risk that everyone will be led astray by information that has been contaminated or changed. The democratic way of life is dependent on the existence of free media outlets, because the public is kept up to date and aware of the news.

It is important to think about what is right or wrong, good or bad, acceptable or not, about how the media collects and presents information and news. Media ethics is all about this. It also talks about how to guide and control the practical aspects of media with ethical principles in mind. These principles are always debated by journalists and people who watch them. They can also be disputed by journalists and people who watch them, depending on the situation and the context. People who make and watch media always have to think about how it affects the people who watch or read (Melisande, 2009).

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## 9.2 CODE OF ETHICS FOR MEDIA

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Journalism used to be thought of as a separate thing from culture, but now it's a part of culture itself, and culture has to deal with journalism. It is a part of a world where journalism is the most important thing in the world. There are a lot of rules that the media use to decide which people will be known and how much. The book "Milan Kundera 1984" by this author says that because of the power of the media, it isn't overstretched if we say that journalists make decisions for people every day. A person's right to privacy is always at odds with the public's right to know the truth. These decisions are made with the help of ethical decision-making tools, like a formal Code of Ethics. Media ethics tries to make sure that no one has a monopoly on the spread of information. It upholds pluralism instead of the uniform gloss over media content that comes from authoritarian regimes. This allows people to make their own decisions and increases the level of truthfulness in reporting (Melisande, 2009).

In general, the codes below are meant to keep the media on the right track.

**Responsibility:** The right of a newspaper to draw and keep readers is limited only by the public's well-being. A journalist who uses his power for any reason that isn't good or honest is not trustworthy.

**Freedom of the Press:** Freedom of the press is very important to the media. It is an unquestionable right to talk about anything that isn't explicitly forbidden by law, including the wisdom of any law that restricts what people can talk about.

**Independence:** Freedom from all obligations, except for a commitment to the public good, is important. Media can build a good relationship with the reader if it is sincere, truthful, and accurate. This means that news reports and opinions should be free of any kind of bias.

It talks about fairplay, which is how private rights and public interest are different from public curiosity. Second, the media have the right and the duty to quickly and completely correct their own mistakes of fact.

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## 9.3 BEING ETHICAL IN PRINT MEDIA

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The main way that the news is spread each day is through the daily print media. If you want more detailed information about the world and its events, this is the place for you to go to. It has a bigger impact on the



world. It gives news or information about what's going on in the world right now, along with an explanation and some thoughts about these events.

Newspapers can "headline" some news or opinions and make them seem very important, and they can also hide or omit certain things or make them less important or not at all. They help businesses and other places sell things by being a sales medium. They have a lot of different types of entertainment, like comic strips and puzzles. They give a lot of different information that is hard to put into one of the above categories.

The type of presentation in a certain media is based on how well the correspondents, reporters, and editors are trained in ethics. The way a media group sees things, as well as their beliefs about social, economic, and political issues, affects how they show them. It is hard to say what they are, but they play a big role in the way they write their reports.

Print media is criticised a lot from time to time. Today, there are three main points people talk about in the newspaper. The press, even though it claims to be an impartial source of news, is in fact a group of businesses that are run to make money for their owners or shareholders.

As print media is linked to a business it is only interested in making money, it is under a lot of financial pressure and is run by a small group. Finally, it tries to meet their social, political, and economic needs. It is said that newspapers are under even more pressure from big advertisers and try to make them happy because they make a lot of money from them. They may distort or slant the news in order to do this. Most newspapers don't hide their political bias. When it comes to economic issues, the majority of newspapers serve the interests of the most powerful groups.

In media ethics, it is important to act in the best interest of the public. In Owens-words, "the mass media are supposed to keep the public informed about what is going on in the government, which, in a way, keeps the rulers in check." Also, the media should be reporting on and promoting discussion of ideas, opinions, and truths as a way to improve society; acting as a nation's "bulletin board" for information and mirroring society and its people just the way they are, so that the heroes and the villains can be found out. Owens-Ibie (1994)

In order to make the print media more consistent and serve everyone's needs instead of just a few powerful and influential groups, some ethical rules are stressed. To stop the information from being controlled by a few people, law enforcement should be called in. As individuals, we should read more and look at things that make us think twice about them. Both public and private information and investigation bureaus should be built up and helped.

We could start a few endowed newspapers that aren't for profit, with different sections of the paper for different groups of people.

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## 9.4 ETHICAL NORMS FOR AUDIO-VISUAL MEDIA

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Broadcasting is a relatively new thing in the modern world. The development of radio and TV has been very fast, and now they have a lot of power. Listening and seeing are the most important things in society. There are some ethical issues that come up when people are broadcasting. Having a lot of radio stations and being able to give them licences to do so is still a job for the government to do.

This restriction and control of broadcasting can sometimes be used by certain people to be coercive and manipulate others. They get to use the airwaves or channels that other people don't get to use.

The regulative code is that it has to look out for the good of everyone. Ethically, people who report the news should be truthful and objective. Programs that deal with controversial public issues are needed to show both sides of issues without bias or a specific point of view. Children's shows should be educational, not just fun. Basic human values like respect for parents, law and order, cleanliness, high morals, fair play, and ethically correct behaviour are shown in the pedagogical input that the teachers give to the kids

The ethical codes for audio-visual media say things such as attacks on religious feelings, profanity, obscenity, and vulgarity; extreme material that might make people feel bad are not allowed and should be avoided. . Advertisements for hard liquor, fortune-telling, and occultism must be kept out of the public eye. So far, there has been a lot of talk about crimes like murder and rape in broadcasts, so it is interesting to see what the codes emphasise in those fields. The radio code says that broadcasters should not show crime techniques and methods in a way that encourages people to copy them or make them want to commit crimes. The TV code asks people to respect the sanctity of marriage and to make sure that illicit sex is not seen as good.

It says this in a section called 'Responsibility toward children'. It says, "Giving kids an idea of what the world is like is part of their education. All of the bad things that happen in the world are a part of life. A certain amount of proper presentation of such points helps the child learn about his/her social responsibilities." However, violence and illicit sex should not be shown in a way that makes a child think they play a bigger role in life. They should not be shown without signs of how they will be punished and retributed. The TV code says that TV has the best programmes for information, education, culture, and entertainment. It is a good way to improve the educational and cultural effects of schools, universities, and other places of higher learning. Whether we agree or not, programmes that do well in these areas are good. On the other hand, a study of these programmes has found that some parents complain there is too much violence and not enough educational and religious programmes for their kids. There was a study that found that children's programmes are full of violence, either directly or through their influence. The health, character, and education of a child could be in danger if they spend two or more

hours a day watching TV. Others think these risks have been exaggerated, and they blame parents who let their kids watch TV because it keeps them busy and "out of trouble."

The government has tried to bring more controls on radio broadcasting. Broadcasting stations are licensed to serve the public, not to help people or groups in their own private or group interests. Advertisers' benefits were supposed to be only secondary and not important at all. The broadcasting system was supposed to be a kind of "mouthpiece" for the community. It was supposed to keep people up to date, start debates, and show music, drama, and sports for the public to enjoy. The ethical standards of the radio and TV industries seem to be the norm in society. The industry tries to follow the law in the area where they work. Idealistic thoughts are cut short by the drive for money and a strong desire to do things that will lead to this goal, even if the public isn't happy.

"Public interest is at the heart of media ethics." This means that media ethics emphasises how important the communications sector is in influencing the formation of public opinion, as well as civil society movements.

In a nutshell, the field of communication has a big say in how society grows.

### **Check your Progress**

- 1) What are the ethical norms for audio visual media
- 2) Discuss ethics in print media
- 3) What are the code of ethics of media?

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## **9.5 FREEDOM OF PRESS AND RIGHT OF POLICY**

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Many journalists think that the public's right to know and the need to expose vice and corruption are more important than anything else. This is what happened in India over the last few years. Most of the time, it turns out to be more about people's privacy, which turns out to be a "newsworthy" thing for the media in its work. People who work in public are at risk when their private lives become a subject of coverage for the media. As the size and influence of the media grew, as well as the development of new technology, the privacy of people became more vulnerable. This is known as the "information revolution."

Privacy is one of the most important freedoms that people have, and it is important for both liberty and human dignity. Media says that people should be able to keep their personal lives private because it is good for the public. Not only do people worry about their own personal information and the dangers of "surveillance society", they also worry about how they will be treated as an individual and what will happen to them. It's more than just making sure that your data or the confidentiality of any information is protected by keeping it safe and sound.

When the media uses personal information of people and facts about events in people's lives, they have to be more careful. Eventhough there are a lot of people who try to get a high profile and public recognition for themselves or for a cause or philosophy they believe in by going public with personal information, there aren't many of them. Sometimes, the balance between an individual's right to privacy and the public's right to know can be a little out of whack. Moral issues and choices arise because of it. Journalists believe that the public has a right to know. They think that if officials are allowed to do their jobs in private, there could be corruption and miscarriages of justice. Is it possible to know everything? There are times when the public's right to know is in the best interest of the public. Does the term "the public interest" mean something good for the public, or is it just something that people want to know about? People are always curious about private things, so does it make sense to 'print everything you know' about other people? Is the public always curious or are they often offended by the information or pictures that the media put in front of them? Are the media out of step with the very people they say they serve because they don't understand them?

These are the most significant problems in the ethics of the media. Journalists routinely engage in activities of this nature, including the examination of various questions prior to deciding whether or not to print or broadcast an item. Is that the case? Is that correct? Is this a secondary consideration? It is critical that a line be drawn between the right of the public to access information and the right of individuals to maintain their privacy says Gail Hulnick.

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## **9.6 REMEDIAL MEASURES FOR MALADIES IN MASS MEDIA**

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The problems in the media are bad because they affect everyone in society, both directly and indirectly.

For example, some advertisements about tobacco-related materials are undoubtedly bad for people's health, especially for young people who will be the future leaders of the country.

Advertisements for this type of product should not be shown on radio, TV, or in the newspaper. In smoking related ads it is shown that freshness comes from having that smoke.

When this type of message is put into the people's thinking, they start to believe in it. We would be able to take care of people in any society if we didn't see these ads. To society, the media must show right things, right thought, correct guidelines and correct behaviour. This is what the media must do for the public.

When facts need to be hidden, the media have a responsibility to do so.

News of sensitive communal riots and tension might not be released if it would lead to more riots and tensions in other parts of the world. Reporting that the person did something wrong because they live in a

certain community, state, religion, or country is not necessary. Equality before the law means that the person who did something bad will be punished without any kind of discrimination or preference.

News about how many people died in a road accident because they didn't wear a helmet could be exaggerated to make people think about how to protect themselves. If there is a lot of information to cover, the mass media has to be very careful and work quickly without any pauses.

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## 9.7 SOCIAL RESPONSIBILITY AND THE MEDIA

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Media ethics is given a bigger role of social responsibility. The media has a lot of responsibility when it comes to presenting the facts and news from all over the world. One of these responsibilities is to the society it serves. In situations where there are some controversies that are talked about without thinking about what might happen next, the question of social responsibility comes to the surface. Everyone has the right to get information. When the information is shared with the media, each person has their own point of view to share. Sometimes, when certain facts are shown, they can have a negative effect. When it comes to social responsibility, people should be very careful when they figure out how to define social responsibility and how to control the parts of it. One can talk about how the idea of social responsibility is based in a theory. Yet, the real world of practical journalism may have problems with these theoretical values being used. To make people understand social responsibility in a more complete way is hard. Media laws should be effective and have a chance to improve the role of the media. During Melisande's 2009 presentation, she said:

“In the media, accountability is often thought of as being able to produce records like evidence to back up what has been said. He or she is responsible for the consequences of what they report. In both an ethical and legal sense, there is a lot of responsibility that comes with the job.

“The journalist is the one who is in charge of the act of reporting.”

The difference between accountability and responsibility: "Whereas accountability is often referred to as the expression of claims to responsibility, the latter is an acknowledged obligation for action or behaviour in the context of roles and morals" (Plaisance, 2000).

Responsibility, in this sense, means having to look after, care for, and protect one's audience. In social responsibility, the needs of the community are given the most attention. There are a few rules for a free and responsible press narrated by the Hutchins Commission or the Commission on the Freedom of the Press. These principles, even though they are true, aren't very precise.

- a truthful, comprehensive, and intelligent account of the day's events in a way that makes them make sense;
- a place where people can share their thoughts and ideas;

- a picture of the people in the society;
- the presentation and clarification of the goals and values of the society;
- full access to the day's intelligence.

In the public eye, the media have a responsibility to provide trustworthy and relevant news and information. They also need to give people from different backgrounds a chance to be heard in the public debate.

All sides should be shown in a fair way and the public should be able to make up their own minds about what to do.

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## 9.8 ETHICS IN PRODUCING AND SCREENING MOVIES

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People in India, where movies have a lot of power in society, use movies a lot more than they use other media outlets. It's like the newspaper, the radio, or the TV. Individual lives, social relationships, and the relationships between countries can be good or bad because of it. It can also be good or bad. Many studies have shown that movies have a big impact on people, especially young people. Movies make people feel good and let them be in a fantasy and daydreaming as well as be able to act out. They help people think about what is right and wrong and shape their desires and dreams. Early on, there were a lot of scandals in the movie industry, and many people were unhappy with the movies they saw.

In the end, censorship came into being because of this. For movies, there are rules that movie distributors and producers have to follow. While a producer can't be forced to make movies that meet the code's rules, the code has had a positive effect.

Putting rules about how people should act and how they should be screened is based on ethical principles. It eventually makes things better and makes high-quality movies. Even though it may be said that censorship limits the freedom of speech, the use of censorship in the film industry has worked out well. Putting a stop to obscene, lewd, or filthy scenes and making it illegal to release any film that is immoral or obscene has been good for society.

Motion pictures are on the list of things that could be banned from interstate commerce or sent through the mails because of their moral or sexual content. There has been a lot of negative feedback about the movie. This is obviously a problem for the movie industry.

Also, the industry has made some changes to its code and adopted "an advertising code." The industry has also taken steps to clean house inside itself and to make sure that everyone follows the rules of the code.

The code of the industry says that no picture should be made that will make people less moral. Thus, the audience's sympathy will never be on the side of crime, wrongdoing, evil, sin, or anything else that is bad. The



right way to live, except for the needs of drama and entertainment, will be shown. Natural or human law should not be mocked, and people should not feel sorry for people who break it.

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## 9.9 MEDIA ETHICS: PRACTICAL APPLICATION AND SOLUTION

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Habermas's ideas about communication and discourse ethics have an indirect effect on media ethics. Here, we talk about ethics in the public space. Habermas tells us that we need to protect the public discourse and its dialectics. A piece of communication is always a result of a group of people talking together. Anyone who says something has to be held accountable for how it makes people feel. Habermas's Discourse on ethics in 'Moral Consciousness and Communicative Action' is a good way to make this point.

He borrows the universalisation principle from Kant's moral theory and extends the concept of categorical imperative to include everyone who is affected by a norm as participants (Hoenisch, 2000). Any communication has both the speaker and the listener in it. The journalist who is talking is inextricably linked to the people he is talking to. The basic principle of the media's duty is to serve the public interest in this relationship.

Everyone in this world was born to be happy. When people don't have the basic things they need, they tend to forget about their morals and how to act in life. It would also not mean that the poor are bad people. This would not be true. To be able to live peacefully, all of the basic needs must be met. People who want to live a good life must do so in a moral way at all times. People can say that the mass media has done a good job for them until now. No doubt, they have helped us. It is a very good way to keep the democratic spirit alive and well.

In the case of violations of the law, anything should never be presented in a manner that makes people feel horrible for the crime or makes them want to commit the same crime themselves.

1. Killing someone is a crime
  - a. The method of murder must be shown in a way that will not make people want to do the same thing.
  - b. Brutal killings should not be shown in full.
  - c. Taking revenge in modern times is not a good idea.
2. Crime methods should not be made public.

This must not happen: Illegal drug traffic must not be shown.

**Sex:** The sanctity of marriage and the home must be kept. There aren't going to be any pictures that show that low-level sex relationships are common. Adultery and illicit sex, which are sometimes used in stories, should not be talked about or made to look good.



**Scenes of Passion:** These should only be used when they are important to the storey. If you want to show that you are smitten with someone by kissing, hugging, and making suggestive gestures, don't show it. In general, passion should be handled in a way that doesn't make people feel bad or angry.

**Vulgarity:** When talking about things that are low, disgusting, unpleasant, but not necessarily bad, you should always follow the rules of good taste and show respect for the feelings of the people you are talking to.

People aren't allowed to use obscenity in any way, even if it's only understood by a small part of the people in the room.

**Profanity:** Pointed profanity and any other profane or vulgar expression, no matter how it is used, is against the law.

The code itself is a pretty good statement of what you want to do. Unfortunately, it hasn't been put into place or enforced properly. It has also been used at times to keep people from criticising our social order, as well as to keep people from being too rude. When people watch movies, they're in charge of a huge industry that focuses on making money. With a few companies nearing monopoly power, free competition has been almost impossible. In recent years, the government has made theatre ownership and production and distribution separate. It has also banned "block booking," "blind selling," and other monopolistic tactics. Film can now be rented by the piece.

In this way, they can't be legally forced to accept or choose. It's possible that more people will want to see more high-quality movies. People might want to do more critical reviews and use the film estimate service in this way, just like with broadcasting. Today, there are a lot of good estimate services that are in a lot of magazines. These services give reviews and estimates of movies and let people choose what they want to see.

We could also give the state department the power to check out movies that are going to be sent to other countries and stop them from being sent if they misrepresent the country or are likely to make people angry at us.

"A lot of action with some plot and not too much love" is what makes a good movie, according to people of different ages. Pictures that were not thought to be good were those that glorified war, mediocrity, over sentimentality, too much drinking, unnecessary violence or killing, passionate love scenes, undue sympathy for immoral or criminal behaviour, and superficiality. In both good and bad ways, the movie industry can be very powerful. Everyone has a moral duty to make sure that the movies they and their families watch aren't bad for them or their kids.

### **Check your Progress**

- 1) Why does one need to study profanity?
- 2) Discuss Media ethics: Practical application and solution
- 3) What are the Ethics in producing and screening movies

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## 9.10 SUMMARY

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Journalism's role in informing and shaping public opinion is more essential than ever in today's interconnected world. With the rise of social media and the globalisation of news, journalists have an unprecedented ability to influence the beliefs and actions of people around the globe.

However, with tremendous power comes enormous responsibility. Journalists must adhere to stringent ethical standards to ensure that their reporting is accurate, fair, and impartial. In addition, with the rise of false news and disinformation, it is imperative that journalists are held accountable for their actions and governed by a global code of ethics that places the truth and the public interest above all else.

Therefore, it is evident that a set of global journalism ethics is required. Such ethics would provide a framework for journalists, ensuring that their reporting adheres to a set of universally recognised principles that prioritise veracity, fairness, and impartiality. It would also provide a mechanism for holding journalists accountable when they fail to meet these standards, restoring public confidence in the media.

In conclusion, the need for ethics in global journalism is greater than ever. To ensure that journalism continues to play its vital role as the sentinel of democracy and the voice of the people, it is imperative that journalists adhere to a set of ethical standards that prioritises the truth, veracity, and the public interest.

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## 9.11 QUESTIONS

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1. Describe briefly a code of ethics for the media.
2. Explain 'Being ethical in print'.
3. Discuss ethical norms for audio-visual media.
4. Write short notes on :
  - (a) Freedom of press and right to privacy
  - (b) Remedial measures for maladies in mass media

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## JOURNALISM ETHICS IN INDIA

### Unit Structure

10.0 Objective

10.1 Introduction

10.2 Principles of journalism

10.3 Role of journalists

10.4 Responsibilities of the journalist

10.5 Editor's responsibilities

10.5.1 Codes of Ethics in India

10.6 All-India Newspaper Editors' Conference (AINEC) Code 1968

10.7 Press Council Guidelines

10.8 Press Council Code on Communal writing

10.9 Parliament Code:

10.10 International Code of Ethics:

10.11 Being ethical in print media

10.12 Summary

10.13 Questions

10.14 References

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### 10.0 OBJECTIVE

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- define journalism's basic principles,
- outline the roles and responsibilities of journalists,
- show how journalists can do their job better,
- explain why journalists need to follow a set of rules about how they should act,
- prepare a set of rules for journalists,
- make clear what the Press Council and the Ombudsman do for people.

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## 10.1 INTRODUCTION

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A lot of different types of information are getting to the media now: print and electronic. The media is thought to be very good at not only telling people what they need to know but also at changing their minds and changing their behaviour. It is very important for journalists to act with a lot of responsibility when they write news stories, features, articles, and editorials for daily newspapers and magazines. Their writings have a big impact on the world.

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## 10.2 PRINCIPLES OF JOURNALISM

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It is believed that the media excel not only in informing the people but also at altering their attitudes and behaviour. When writing news stories, features, essays, and editorials for daily newspapers and periodical magazines, it is crucial for journalists to demonstrate a high degree of accountability. Their works have a significant effect on the world. It discusses fair play, which distinguishes private rights and public interest from public curiosity. We would discuss it further in the subsequent part. Second, the media have the right and responsibility to promptly and thoroughly correct their own factual errors.

Both the publisher and the editor are responsible for maintaining high professional standards. On the one hand, journalists should be cautious to safeguard press freedom. On the other hand, they must ensure that this independence is not abused and that they always operate with extreme caution.

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## 10.3 ROLE OF JOURNALISTS

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The main job of a journalist is to be an interpreter of what is going on in the world around him. He looks at the events, sends information about the events, and acts as an interpreter of the events that he sees. While doing so following four rules be followed:

- a. He should have a never-ending search for the truth;
- b. He should be able to meet the needs of the changing times, instead of waiting for them to come to him;
- c. He should be able to do something of value and significance to the world;
- d. He should be able to protect his independence.

Due to the efforts of journalists, people in our country enjoy a great deal of freedom. A journalist is responsible for gathering information, organising it, and disseminating it to the public. In addition, he explains why the data is significant and offers his opinion on contemporary topics. He should be fair, accurate, impartial, sober, decent, and responsible when discussing matters of public importance.

Journalists must approach their information with objectivity, detachment, and perhaps a bit of scepticism. Journalists must have the proper "attitude" to be successful. To be successful in this position, he must be adept at organising things and using language. He shouldn't be overly confident or enthusiastic. He should not manipulate the news report to get a powerful impression.

Another element that should not be ignored is attribution, sometimes known as the "source's identity." The best method to provide credit is to identify the source you used. Another useful piece of information is the name of the organisation, office, or group for which the source works. There are occasions when the phrase "informed source," which is not very good, is the most appropriate. If the source of the information must remain confidential, this is the most appropriate phrase to use.

"Write as you speak" is a term that is becoming increasingly prevalent in contemporary news. The formal, forbidding language of the 1930s is no longer regarded as desirable. People are now employing language that is easy to read, entertaining, and delectable.

Former New York Times executive editor James Reston placed a high priority on the "vitality" of journalists. Also, there is the proverb, "Make do with what you've got." It is used in the context that every journalist must adhere strictly to the deadline for the next newspaper edition.

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## 10.4 RESPONSIBILITIES OF THE JOURNALIST

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The press is, of course, a business, but there is one big difference. What people read in newspapers and magazines shapes their minds: men and women, children, adolescents, and adults. Journalists, thus, have some social responsibilities. They must act with a deep sense of responsibility for the society they are a part of.

Journalists have a lot of different jobs. The journalist's main job is to help his readers by giving them accurate, positive, and up-to-date information in a way that is easy to read, digest, and enjoy. He should pay extra attention to the poor and the weak in society. He needs to be a person who encourages people to change the way things work in the world. As you read this, we'll talk about the journalist's responsibilities in three ways: Social, Professional, and Legal.

### **Social**

Journalists have a huge responsibility to their communities. People now know that "journalism is like a picture that shows how people live." It is the job of the journalist to be a voice for everyone. He must, therefore, give a truthful, complete, and intelligent account of the events in a way that makes sense. That effective sieve called "objectivity" must be used to separate facts from opinions.

The press must be a place where people can talk about and criticise each other. The journalist should be a good way for readers and different groups in society to communicate with each other.

### **Legal**

Publication of material that isn't based on fact, isn't nice, or is manipulated. It should be avoided at all costs in order to protect yourself and your organisation from the law. You don't want a "live wire" on you when you write about "liberal" or "defamation." A good journalist doesn't want to do that. He must know about all the different laws that apply to the press, like the Official Secrets Act and the Copyright Act etc. He must always act within the bounds of the law and not break it.

### **Professional**

Journalists must also adhere to specific professional responsibilities. The primary responsibility of a journalist is to disseminate knowledge in all situations, regardless of their normalcy. Readers can use the material to form their opinions on crucial issues. This could also influence their attitudes. He must think and respond swiftly, but he must maintain his composure and sense of objectivity when circumstances change.

As a journalist, one should demonstrate commitment to one's work. A journalist must adhere to his profession's norms with extreme rigour. He must understand where he may and may not go. ' Whether he is a reporter, sub-editor, editorial writer, or someone else, he must keep his biases in control and strive for objectivity when reporting the news and expressing his opinions. Ensure that the news is not altered, suppressed, or exaggerated to suit the requirements of anyone, including the paper's owner and editor. Similarly, only the general public's, the community's, and the nation's interests should be considered when journalists publish their opinions and make comments.

In contemporary times, news is a business. It is also a very competitive industry. When someone is attempting to make money, they may report things that are confusing, biased, unclear, or dramatic. To maintain their credibility, journalists must not do so. He should not make rash and erroneous choices. Accordingly, modern opinion polls are virtually like an exercise in premature judgement, and they do interfere with the democratic process.

Professionally, a skilled writer should follow the event and write exhaustively but cautiously about it when it involves a contentious matter. As a journalist, "following up" is an important trait to possess. This is something that ought to be utilised as frequently as possible.

Even if they are pressed for time, one of the most crucial responsibilities of a professional journalist is to ensure that the terminology is right. As crucial as avoiding errors in the content is ensuring that the language is also right.



Journalists owe their readers a duty. To ensure that everyone may engage in the discussion, careful consideration must be paid to audience comments.

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## 10.5 EDITOR'S RESPONSIBILITIES

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To what extent do you believe the newspaper editor is accountable for how the newspaper covered the events? Here, we shall enumerate the responsibilities of each individual. The law requires the editor to be responsible for all newspaper content, including news, editorials, and advertisements. In 1953, the All-India Newspaper Editors' Conference (AINEC) adopted a Charter for Editors consisting of eight points. It continues to be used today.

- a) The editor has complete control over the paper's editorial policies and its staff and management.
- b) The board of directors of a newspaper shall annually prepare a budget for editorial expenses, including routine costs, a development plan, contingencies, and a discretionary grant, with the assistance of the editor.
- c) The editor has the ultimate say on all matters pertaining to the editorial staff and the content of the newspaper.
- d) The editor should be able to discuss departmental matters with the board or the proprietor.
- e) As an editor, you are required to adhere to a set of guidelines. They include ensuring that the paper's policy is adhered to, maintaining high standards, opposing all pressures, and ensuring that the editorial staff works cohesively.
- f) It is up to the newspaper editor to decide what is best for the publication. The government and the newspaper's owner are not required to instruct him.
- g) If the editor is terminated from the service or resigns owing to a disagreement with the board, he will get six months' worth of pay, gratuity, and money in place of leave he was entitled to at the time.

The term "ethics" refers to the principles that a journalist must follow and uphold in order to maintain the honour and dignity of their profession. Webster's New World Dictionary defines "ethics" as a collection of rules or morals for an individual, a group, profession. In the present period, when the "commercial" aspect of the newspaper industry is becoming increasingly significant, it is difficult for a scribe to do their duties ethically.

As with everyone else in the country, journalists are subject to all laws. In journalism, as in other professions, there is a great deal of unregulated activity that must be governed by a code of ethics.

To convey his message and maintain the credibility of his newspaper or magazine, a journalist must disseminate news and opinions in accordance with the standards and traditions of society.

A free press, which is crucial for the functioning of a democracy, necessitates that the populace be free from fear and violence, which in turn necessitates a strong government capable of dealing with terrorism and anarchy. Today, it is hardly a secret that journalists are being threatened, forced, and even killed or injured. Journalists must adhere to ethical standards regardless of the number of threats and provocations they face. Among the well-known moral guidelines are the following:

**Accuracy and Fairness:** A journalist must inform the public on matters that are significant to them in a manner that is fair, accurate, unbiased, and courteous. Personal comments and inaccuracies should be avoided at all costs.

As quickly as possible it is essential to review and double-check news before publication, especially if it would complicate matters.

If a piece of writing is defamatory or libellous on its own, a newspaper should not publish it unless it is factual and the publisher has sufficient cause to believe that publishing it will be beneficial to the public.

**Privacy:** People can't have their private lives invaded unless there is a real public need for it. People should be very careful when they name or show pictures of people who have been sexually assaulted.

Newspapers should not make people feel guilty by association. It's not good for them to talk about the family, friends, or associates of people who are convicted or accused of crimes when it doesn't make sense or is irrelevant to the story.

**Corrections:** When there is a factual error or mistake, the newspaper should make the correction as soon as possible, by giving the right prominence, and with an apology or expression of regret in the case of a major mistake. A journalist should also pay attention to the right to reply and to the letters to the editor.

**Communal Reports:** Before publishing reports about communal clashes or disputes, they should be checked out. The report should not make things worse. Instead, it should try to calm down the ruffled emotions.

**Sensational Headings:** Sensational headings should not be used for news and articles. Headlines should match the content of the stories they are about. They should be clear, unambiguous, and real.

Obscene or vulgar matter should not be published because it doesn't look good to the public. Also, don't make fun of violence.

Don't let your ethics and journalistic values go to the wind in order to make money. Instead, it should try to find a balance between objectivity and commercialism.

In general, a newspaper should not identify a person with his or her caste, religion, or other group. It could be snide.

**Respect Confidence:** The information if even not made public, should be respected

### 10.5.1 Codes of Ethics in India

Codes of ethics can't list all the possible ethical issues that could come up. A code of ethics will come down to how each of its rules is interpreted in a given situation. Let's now look at how the rules in India changed over time.

To write a complete, rigid code of ethics for a journalist isn't possible or smart. In time, society changes as well. So, making rules or guidelines that are set in stone is pointless. Yet, we do need some guidelines or rules in the form of a "code of ethics" to make sure that journalists are following the rules.

Justice R.S. Sarkaria also thinks that journalists should follow a set of rules. It is a statement of broad moral principles that will help and guide journalists, and that will help them with their self-assessment and self-regulation, he says.

In the past, many rules for journalists have been made. These rules help them do their job better. Press, which is the conscience of the public, needs to be protected, and the codes are a step in that direction. There are a lot of people who want to limit the press's freedom and try to make the press look bad right now, so the codes have a bigger role now. In this way, different codes were made.

In 1968, the All-India Newspaper Editors' Conference (AINEC) came up with a set of rules for how the journalists should act. People also came up with a lot of different rules that could help guide the press, such as the International Code (1991) and Parliamentary Code (1976). Though the Press Council doesn't like rules that are set in stone, it has made rules from time to time.

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## 10.6 ALL-INDIA NEWSPAPER EDITORS' CONFERENCE (AINEC) CODE 1968

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In 1968, the All-Indian Newspaper Editors' Conference came up with a set of rules for the press. It is a good thing that still has value in the modern world. It goes like this:

A free press can only thrive in a free country. Communalism is bad for our free society and for the country as a whole.

The press has an important role to play in achieving the main goals of our constitution, which are democracy, secularism, national unity and integrity, and the rule of law. It is the job of the press to help people feel more united and cohesion in their hearts and minds, and not to publish

material that could stir up communal passions or inflame communal hatred.

To this end, the press should follow these rules when reporting on communal events in the country:

1. There should be no scurrilous attacks on leaders or communities in editorial comments or other expressions of opinion. This includes articles, letters to the editor, or any other form of expression of one's own thoughts. and there should be no urging to the people to do something bad.
2. General accusations that cast doubt on the loyalty and patriotism of any community should be avoided.
3. General accusations and accusations against any community of unfair discrimination, on the other hand, can lead to community hatred and distrust.
4. The truth should not be hidden. News stories about community problems should not be slanted in a way that slows them down.
5. This means that when there is a loss of life, lawlessness, arson, etc., the news should be reported with restraint and not prominently displayed.
6. News items that will help restore and keep law and order should be given more attention and take precedence over other news.
7. The utmost care should be taken when choosing and publishing pictures, cartoons, poems, and so on, so as not to stir up communal passions or hatred.
8. The names of communities should not be used in reports. Instead, the terms "majority" and "minority" should be used more often.
9. The source from which casualty figures are taken should always be shown.
10. Journalists shouldn't put out any facts or figures until they have been checked to the fullest extent possible. However, if giving out the facts or figures is likely to make people angry, those facts and figures may not be given.

### **Check your Progress**

- 1) Discuss the All-India Newspaper Editors' Conference (AINEC) Code 1968
- 2) Discuss which rules should the press follow when reporting on communal events in the country
- 3) Discuss code of ethics in India

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## 10.7 PRESS COUNCIL GUIDELINES

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The Press Council of India has set out rules that the media and the government should follow, and if they do so, they will be able to work together in difficult situations. These are how they work:

1. If you don't want to make your headlines controversial or sensational, don't do it!
2. Headings should match and support the content they are next to.
3. Figures of casualties that appear in headlines should be on the low side if there is any doubt about their accuracy or if the numbers reported by various sources are very different.
4. The person or group making the claims should be named in the headlines, or at least quotation marks should be used.
5. Comments and value judgements should not be made in the news.
6. Putting out news should not be based on partisan feelings, and it should not appear to be.
7. Journalist should use language that isn't too harsh and that can help people feel more at ease with.
8. Whenever there are mistakes, they should be quickly corrected and the person who made them should apologise.

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## 10.8 PRESS COUNCIL CODE ON COMMUNAL WRITING

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Today, when the country is at risk because of communalism and other bad things, the Press Council thought it was important to write a code of ethics for communal writing. This code is even more important now.

1. The distortion or exaggeration of facts or events in the community, or giving credence to rumours, suspicions or inferences that aren't true and making their comments based on them.
2. News or views are presented in an unrestrained way, even if it's just for fun or as a piece of literary flair. This can be done for rhetorical or emphasis reasons.
3. Encouraging or condoning violence even when there is a reason to do so, whether or not the grievances are real or not.
4. There are some legitimate things that can be done by a newspaper or magazine to draw attention to real and legitimate problems that a community has and to try to get them resolved through peaceful, and legal means. It is wrong and against journalistic ethics to make up grievances or exaggerate real grievances. As these tend to make people feel bad about each other and make things more tense.

5. Scurrilous and untrue attacks on groups or individuals, especially when this is accompanied by accusations that they did something because they were from a certain group or caste should not be done.
6. Giving false events that happen to people from different communities gives the news report a communal tone.
7. Focusing on developments that are likely to make people in a community hate each other or make them distrust each other should not be done.
8. Publishing alarming news that turns out to be untrue, or making provocative comments about it or doing anything else that could make things worse between different communities or groups of people from different regions or languages should be avoided.
9. Exaggerating real events to make them more shocking and publishing news that harms community harmony with banner headlines or in different forms should not be done.
10. Derogatory or insulting remarks about different religions or faiths, or about their founders, cannot be made.

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### **10.9 PARLIAMENT CODE:**

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In 1976, the Indian Parliament's upper house, the Rajya Sabha, passed a code of "ethics" for journalists and newspapers. This was done because the Rajya Sabha had a social and moral duty to do this. The code has following points:

- 1) Journalists should put a lot of importance on basic human and social rights when they do their job. They should also be honest and trustworthy when they report the news.
- 2) Journalists and newspapers should report on the activities of the government and the public, promote national unity, solidarity, integrity, and economic and social progress, and show how these things work.
- 3) Journalists and newspapers should not write or say anything that could make people angry or cause civil disorder, mutiny, or rebellion.
- 4) Projection of violence must be completely banned.
- 5) Journalists and newspapers should make sure that the information they report is true. Facts will not be changed.
- 6) There will be no sensational report or report that is based on speculation. Any report or comment that turns out to be wrong will be changed in the media.

- 7) Having faith in yourself is always a good thing. Professional secrecy will be kept.
- 8) Journalists should not use their position for non-journalistic reasons and should not let their personal interests influence their work.
- 9) Accepting or demanding a bribe or other reward for the use of a journalist's power to give or keep attention to news or comment is bad.
- 10) Journalists and newspapers should not get involved into personal fights that have no public benefit.
- 11) Journalists and newspapers should not give credence to public rumours or gossip, even if the rumours or gossip have been proven to be true.
- 12) Newspapers can't put up anything that is obscene or encourages vice, crime, or illegal activities.
- 13) Journalists and newspapers should show and spread the country's goals of democracy, socialism, and secularism.
- 14) Journalists and newspapers should not treat news of disturbances involving caste, community, class, religion, region, or language groupings in an unfair way. They should also not report on the number or identities of groups involved in these disturbances unless they are officially allowed to do so.
- 15) Journalists and newspapers should not write or say anything that could harm India's sovereignty and independence. The safety of the state and good relations with other countries are important (newspapers include journals, magazines and periodicals).

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## 10.10 INTERNATIONAL CODE OF ETHICS

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In 1991, at the Stockholm Symposium, an International Code of Ethics was framed and agreed to by everyone. Everyone who works for the press and other media should read this. It's not a legal document, and some countries may look at things in a different way because of their own laws. Several parts of the code are:

- 1) A journalist's main goal is to write a fair, accurate, and unbiased story.
- 2) Sources that aren't named should not be used unless the search for the truth will be better served by not naming the source.
- 3) In general, journalists have a moral duty to protect sources of information that aren't public.
- 4) Corrections or clarifications should be made as soon as possible if there are mistakes in the facts.



- 5) Journalists should always say who they are, except in very rare situations.
- 6) Any language that is obscene or tasteless should only be used when it is quoted from another source.
- 7) Journalists should try to avoid paying for information unless it is for the benefit of the public.
- 8) Using someone else's work without giving them credit is a very bad thing to do, and it should be avoided at all costs.
- 9) In general, the race of someone who is in the news should not be talked about.
- 10) People should not be recorded by journalists unless they have a good reason to do so or the person is willing to be recorded.
- 11) The privacy of a person should always be protected, except in very rare cases.
- 12) Sex discrimination should not be done, and it should not be done at all
- 13) Journalists should be careful not to offend anyone, but they should also not compromise their reporting of the news.
- 14) Journalists should be able to tell the difference between comments, speculations, and facts.
- 15) Children should not be named in reports about crimes.
- 16) People who are still alive should not be identified in news articles about sex crimes.
- 17) Journalists should not judge anyone who hasn't talked to them first.
- 18) Journalists should always be professional and ethical.
- 19) Acts of violence should not be seen as good.
- 20) Publications of photos of mutilated bodies, bloody events, and disgusting scenes should be avoided.

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### **10.11 BEING ETHICAL IN PRINT MEDIA**

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The daily news is mostly disseminated through the daily print media. If you want more information about the world and its happenings, you should visit this website. It has a greater effect on the globe.

It provides news or information about what is occurring in the globe at the moment, coupled with an explanation and some commentary. Newspapers can "headline" particular news or viewpoints and make them appear to be of the utmost importance, and they can also conceal, ignore, or diminish

the significance of other matters. As a sales medium, they aid businesses and other establishments in selling their products.

They offer numerous forms of amusement, including comic strips and puzzles. They provide a variety of information that is difficult to place in one of the aforementioned categories. How well-trained the correspondents, reporters, and editors are in ethics determines the presentation style of a particular medium.

The viewpoints and beliefs of a media organisation about social, economic, and political issues influence how they portray them. They are difficult to describe, but they have a significant impact on how they write their reports.

On occasion, print media receives a great deal of negative press. There are currently three main criticisms of newspapers. They are similar to: It is asserted that the press, despite professing to be an impartial news source, is in fact a collection of profit-driven businesses.

Due to the fact that print media is affiliated with a for-profit corporation, it is under significant financial pressure and is managed by a small group. Finally, it seeks to meet their social, political, and economic needs. It is believed that large advertisers exert even greater pressure on newspapers, which must generate revenue.

The majority of the time, print media are motivated to satisfy advertisers because they generate significant revenue from them. To achieve this, they may manipulate or misrepresent the news. The majority of publications do not hide their political leanings. Regarding economic issues, the majority of newspapers represent the most influential groups' interests.

It is essential in media ethics to perform in the public's best interest. According to Owens, Ibie's "the mass media are expected to keep the public informed about what's happening in government, which in a sense keeps the rulers in check." Also, the media should report on and encourage discussion of ideas, opinions, and truths as a means to improve society; functioning as a nation's "message board" for information and accurately reflecting society and its people in order to identify heroes and villains.

Some ethical standards are emphasised so that print media can be more consistent and serve the requirements of everyone, not just a few powerful and influential groups. To prevent a few individuals from controlling the information, it is necessary to contact law enforcement. As individuals, we should read more and investigate matters that elicit second thoughts. There is a need for both public and private information and investigation agencies.

We could launch a handful of philanthropic publications with distinct sections for various demographics.

### Check your Progress

- 1) What are the principles of journalism?
- 2) What are the challenges of print media?
- 3) Discuss the international code of ethics.

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### 10.12 SUMMARY

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Journalism plays a crucial role in India in moulding public opinion and influencing decision-making processes. In India, a country with a diverse and complex social, political, and economic landscape, it is essential that journalists adhere to strict ethical standards.

There are numerous reasons why studying journalism ethics in India is essential. First, it ensures that journalists have the knowledge and instruments required to report accurately, equitably, and objectively. In a country like India, where media bias and sensationalism frequently distort the truth and misrepresent significant issues, this is of particular importance.

Second, researching journalism ethics in India contributes to the development of a journalistic culture of accountability. Journalists are more likely to act responsibly and be held accountable when they fail to uphold ethical standards if they are aware of these standards. This is especially essential in a nation where the media has been criticised for sensationalism and putting profit before the public interest.

Finally, the importance of studying journalism ethics in India lies in the fact that it fosters public confidence in the media. When journalists adhere to ethical standards, the public is more likely to have confidence in the information they provide. This is especially crucial in India, where a free and independent press is essential for guaranteeing transparency, accountability, and democracy.

In conclusion, researching journalism ethics in India is necessary to ensure that journalists operate with honesty and responsibility and that the media fulfils its vital function as the watchdog of democracy. By adhering to ethical standards and nurturing a culture of accountability, journalists can develop public confidence in the media and ensure that all Indians' voices are heard.

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### 10.13 QUESTIONS

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1. State the principles of journalism.
2. As a journalist, how can you make a clear distinction between what you know and what you think in your stories?
3. Why is attribution an integral and important part of any report?
4. Mention two points of ethical guidelines for journalists in India.

5. While reporting on communal events, what guidelines should a journalist follow?

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## **LAWS REGULATING THE MASS MEDIA AND MASS COMMUNICATION IN INDIA**

### **Unit Structure**

11.0 Objectives

11.1 Introduction

11.2 Need for Media Laws and Regulatory Framework

11.3 Press & Registration of Books ACT, 1867

11.4 Working Journalists ACT, 1955

11.5 Press Council of India ACT, 1978

11.6 Ombudsman

11.7 Indian Penal Code and Criminal Procedure Code

11.8 Professional Bodies

11.9 Summary

11.10 Questions

11.11 References

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### **11.0 OBJECTIVES**

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To describe the important provisions of the Press and Registration of Books Act;

- explain the important provisions of Working Journalist Act;
- analyse the role of Press Council of India Act
- appreciate the need for Ombudsman in a media organisation; and
- discuss the clauses of the Indian Penal Code (IPC), and Indian Criminal Procedure Code (Cr. P.C.) applicable to media persons;
- mention some professional bodies of working journalists and media persons

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### **11.1 INTRODUCTION**

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To describe the important provisions of the Press and Registration of Books Act; to explain the important provisions of the Working Journalist Act; to analyse the role of the Press Council of India Act; to appreciate the

need for an Ombudsman in a media organisation; and to discuss the provisions of the Indian Penal Code (IPC) and the Indian Criminal Procedure Code (Cr. P.C.) that apply to media persons; and to mention some professional bodies of working journalists and media persons.

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## 11.2 NEED FOR MEDIA LAWS AND REGULATORY FRAMEWORK

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As you are aware, the major goal of any law affecting journalists and media people is to ensure that all journalists and media people respect and follow the best traditions of journalism and media norms, and that they do not engage in any unethical or unprofessional behaviour. Because, in the event that any legal offences or illegal acts are done as a result of a journalistic act, the individual or persons responsible - reporter, correspondent, writer, editor, and publisher – will all be held accountable in a court of law for the illegality.

As a result, media regulations and a well-defined regulatory framework for journalists and media personnel are extremely important and necessary. The law is a system of rules by which citizens govern their conduct in relation to one another and the state, and it is primarily intended to ensure peace and serenity, law and order, and a climate of friendliness and cordiality in society. Every country has a variety of laws that govern the day-to-day operations of the country. One of the government's responsibilities is to establish a framework for the orderly operation of the media in order to ensure that the media serves society's best interests.

When reporting crime news, court trials, parliament and state assembly proceedings, personal or government matters, for example, several safeguards, considerations, and attention must be taken to ensure that news reports originating from these sources do not violate legal boundaries. Defamation laws and laws outlawing the inciting of certain parts of society against others are only a few examples. Similarly, there are rules against the encouragement of seditious or criminal activity.

Despite rigorous legal frameworks in place, it may be difficult to discover and identify violators in modern information-based economies, as communication technologies continue to proliferate and more and more technologies continue to converge. At the same time, it is realistic to assume that as the world becomes more sophisticated in all aspects of life, conflicts and disputes between individuals and institutions will inevitably arise as a result of clashes of ideas, beliefs, and ideologies.

As a result, media professionals should be completely aware of legislative limits and their implications in order to protect the media's interests, image, and reputation, as well as to promote social cohesion and political well-being.

We will briefly cover these enactments, laws, and legal framework in this course so that you can apply them to your daily journalistic

responsibilities. We will also provide a little background on these laws before going over their provisions, so that you can understand and appreciate each of these legislative enactments properly.

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### **11.3 PRESS & REGISTRATION OF BOOKS ACT, 1867**

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The Press and Registration of Books Act of 1867 is the first extant British Act dealing solely with newspapers, books, and printing presses.

The British government needed information on all publishers' ownership, editors' names, places of publishing, names and addresses of printing presses and their owners, and so on, so that they could quickly discover and take action against any defaulting daily or magazine. The British government was scared of any criticism that any publication would convey, despite the fact that there were few newspapers and magazines in most Indian languages at the time, and the press was also underdeveloped in the nation.

The professional activities of editors, press persons, and owners of newspapers, magazines, and printing presses in India at the time were severely restricted and controlled by this regulation. The statute also required that newspapers be registered with the state authorities.

In 1958, the Act was revised. The Ministry of Information and Broadcasting (I & B), Government of India, is now in charge of enforcing this law. The Press Registrar, a senior employee in the I&B ministry, is the law's nodal person and is in charge of enforcing it. The Act mandates that every book or newspaper include the printer's name and address, as well as the publisher's and editor's names and the location of publishing. The proprietor of the publication must file a declaration with a district magistrate, detailing his name, address, and the title of the newspaper, magazine, or journal, as well as the language, periodicity, price, and number and size of pages. Printed copies must be sent to the Registrar for no charge.

If the newspaper/magazine is not published within three months of gaining licence to publish, the declaration will be considered void. The Act included penalties in the event that a publication was made without according to the law's restrictions.

The legislation prohibits the publication of two newspapers or periodicals with the same title in the same language by different proprietors. All functions required by this legislation will be carried out by the Press Registrar, district magistrate, or any other permitted official. If any of the statements in the news release are discovered to be false, the publication's press release may be revoked.

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### **11.4 WORKING JOURNALISTS ACT, 1955**

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The first Press Commission (1952-54) issued a number of pointed judgments concerning journalists' poor working conditions and exploitation in the newspaper industry. The Working Journalists and Other



Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act 1955 was adopted shortly after the Commission's report was released. The Act is commonly referred to as the Working Journalists Act. It is, in fact, a welfare policy intended to govern the working conditions of those employed in the newspaper sector. It applies to staff of publications who are both journalists and non-journalists.

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Its provisions primarily concern (a) working hours, (b) leave, (c) wage fixation and revision, (d) wage board composition, (e) employee provident fund, (f) money due from employer, (g) retrenchment, and so on. The Act's provisions, notably pay board recommendations, have proven to be difficult to implement, according to experience. With the weakening of the country's trade union movement, significant delays in court rulings, and the expansion of the practise of employing individuals on a contract basis in the newspaper industry, employees' employment are no longer as secure as they should be. Majithia Wage Boards for journalists and non-journalists issued recommendations in 2010 for the modification of remuneration of newspaper staff under the chairmanship of Justice G R Majithia.

Although news organisations such as Press Trust of India, Bhasha, United News of India, Univarta, and others are covered under the Working Journalists Act, it does not apply to audio-visual media.

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## **11.5 PRESS COUNCIL OF INDIA ACT, 1978**

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The establishment of a press council in India was one of the proposals of the first Press Commission of India (1952-54). The government took a long time to act on the advice. In 1965, the Press Council of India Act was passed, and the Council was established in 1966. The first Press Council existed until 1975, when it was abruptly terminated during the 1975-1977 domestic emergency. When the emergency was abolished, general elections were held, and the Janata Party government led by Morarji Desai came to power at the Centre in 1978, the Press Council was resurrected.

### **Composition**

The Press Council of India, established in 1978, is made up of 28 members and a chairman. According to the law, the chairman must be nominated by a three-person committee comprised of the Rajya Sabha chairman, the Lok Sabha speaker, and a person elected by the outgoing PCI. Until now, all of the PCI's chairs have been sitting or retired Supreme Court of India judges.

Thirteen members of the PCI are working journalists, six of whom are editors, and the remaining seven are working journalists who are not editors – three editors and four working journalists are from language publications.

Aside from that, members are from the management of daily newspapers – two from each of the three sizes – major, medium, and tiny. One of the members comes from the news agency management. Three more people

are nominated by three different organisations: the University Grants Commission, the Sahitya Academy, and the Bar Council of India. Five other members are from Parliament, all of whom are unrelated to the newspaper industry: three from the Lok Sabha (to be nominated by the Lok Sabha Speaker) and two from the Rajya Sabha (to be nominated by the chairman of the Rajya Sabha).

The chairperson's and other members' terms of office are three years. If new Lok Sabha elections are held, or if those in the Rajya Sabha complete their term in that chamber, MPs' PCI membership is immediately ended.

For another three-year term, the chairperson and members are available for re-nomination. The Chairperson is a full-time officer, whereas the other members are not, but they are paid all allowable allowances if a meeting is held.

### **Objections from functions**

The Press Council of India Act has given it a number of responsibilities. The Press Council of India's two most important goals, however, are to defend journalistic freedom and to maintain and improve press standards. In this regard, the Council hears complaints from journalists in order to defend press freedom. It also hears complaints from the public on media and journalists. The Chairman has the authority to take up any complaint on his own initiative.

### **Power to censure**

If it is determined that a newspaper's or news agency's norms of journalistic ethics or public taste have been violated, the Council has the authority to penalise the editor or journalist. Only after a thorough investigation by the Council will such action be taken. Any complaint that is already ongoing in a court of law is not taken up by the Council. The Council is primarily supported by the federal government. It has the authority to charge newspapers and news agencies fees based on circulation.

Some of the PCI's key adjudications and guidelines on issues of national relevance are worth mentioning here. These include communal writings and comments on communalism in the press; libel and defamation cases; objectionable investigative reporting; obscenity and vulgarity in news stories, features, and other forms of media; right to reply; right to privacy; denial of advertisements to newspapers and magazines; press freedom; and improper use of press freedom by journalists of newspapers and news agencies.

It should also be noted that, in collaboration with the Indian Law Institute, PCI has developed a code of conduct for journalists and conducted studies on the protection of journalists' confidential sources of information, journalistic conduct norms, press coverage of terrorism, communal disturbances, general election coverage, AIDS coverage, and a variety of other topics of public interest and personal concern. The Council's

complaint system, on the other hand, takes a long time and is not user-friendly. It has no sanctioning authority over the erring press. As a result, it is often referred to as a 'paper tiger' or a 'toothless tiger.'

Laws regulating the mass media and mass communication in India

The Press Council of India has requested stronger punitive powers against erring newspapers on several occasions, but the government has never agreed. There is concern that if the demand is granted, it may become a vehicle for unconstitutional censorship. There has also been a call for the establishment of a media council in place of PCI, which would cover publications and television broadcasts. PCI currently only works with newspapers. When there were no private news channels in 1978, the current Press Council of India was formed. Today, newspapers and television channels compete for ad income as well as for the presentation of news. In light of these conditions, there has been a call for the creation of a single organisation to handle complaints against the press and television stations.

It's worth noting that India has a statutory press council, unlike most other countries of the world with strongly established democracies have voluntary press councils. Sweden, Canada, the United States, Australia, New Zealand, and other countries have self-regulatory press institutions.

### **Check your Progress**

- 1) Discuss composition
- 2) Discuss the working journalist act, 1955
- 3) Discuss PCI in detail

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## **11.6 OMBUDSMAN**

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The contemporary use of the term ombudsman arose in Sweden, with the government appointing a Swedish Parliamentary Ombudsman in 1809 to protect citizens' rights. It was similar to a supervisory agency separate from the executive branch. In general, an ombudsman is someone who deals with public complaints, investigates them, and strives to reach mutually acceptable solutions in a non-formal setting. Ombudsmen have been appointed in the banking and insurance sectors in India. They can also work in hospitals, universities, and other establishments. Another viewpoint is that an ombudsman is appointed by a government agency to investigate complaints against a person or a company.

According to Stephen Pritchard, president of the American Organization of News Ombudsmen, a news ombudsman receives and examines complaints concerning truth, fairness, balance, and good taste in news coverage from newspaper readers, radio and television listeners, and viewers. To rectify or clarify news reporting, the ombudsman suggests suitable remedies or reactions.

Several newspapers, television stations, and radio stations in the United States have their own ombudsmen. The Times of India was the first

national daily newspaper in India to have its own ombudsman. Former Supreme Court of India Chief Justice P.N. Bhagwati held the job for a few years, but The Times of India abruptly resigned without citing any reason. The Hindu now has an ombudsman, known as the Readers' Editor. The ombudsman of the New York Times is known as the Public Editor. It is also known as readers' representative, readers' advocate, and so on in different organisations.

### **Need for Ombudsman**

Media organisations support the creation of an ombudsman institution in order to "enforce journalistic ethics." In many nations, however, it has become a "feature of self-regulatory apparatus." Furthermore, it is widely held that a "effective ombudsman" should be recognised as a representation of the community by both management and the public, and should have access to space in the newspaper or air time on the station if they disagree with institutional decisions. An ombudsman should also have some level of seniority or status in the sector.'

### **Functions of Ombudsman**

The functions of the ombudsman are derived from the fundamental ideals of journalism ethics. While professional media organisations establish journalistic ethics rules, the ombudsman's media office plays an important role in prescribing specific do's and don'ts for the ombudsman.

The Ombudsman examines the newspaper's news and feature columns, as well as all editorial materials, for fairness, accuracy, and balance, and to bring problematic news items to the attention of the news staff.

It's worth noting that no two ombudsmen work in exactly the same way. All of them, however, check news items, columns, features, photos, cartoons, and other graphic materials for accuracy, fairness, and balance. The materials that they consider to be below newspaper standards are brought to the editor's attention, who then directs them to the editorial staff who are responsible for developing, writing, or supplying these materials.

Items that are regarded improper or unsatisfactory are frequently reviewed further, and responses or comments are issued to people who raise issues. Those in charge of such publications are expected to explain themselves to readers, viewers, and listeners, if appropriate. Many press ombudsmen also publish periodic essays explaining why they are criticising or applauding stories, features, and other resources.

Ombudsmen sometimes organise public forums or readers' forums in order to build a stronger relationship with the public. The goal of this type of practise is to communicate directly to the audience and explain media methods or traditions. However, in the vast majority of cases, news ombudsmen serve simply as advisors, not as enforcers.

The Organization of News Ombudsmen was founded in the United States to help journalists "achieve and maintain high ethical standards in news

reporting, thereby enhancing their own credibility among the people they serve; to establish and refine standards for the job of news ombudsman or readers' representative; to assist in the wider establishment of the position of news ombudsman on newspapers and elsewhere in the media; to provide a forum for exchanging experiences, inf

"Ombudsmen are considered representatives of the public; they should also be even-handed in their handling of complaints," writes a well-known American researcher, Professor Louis A. Day, in his book *Ethics in Media Communication*. They must be honest with their readers as well as their newspapers' and editors' editors.

The public's impression of ombudsmen, who are sometimes seen as cosmetic responses to reader criticism, has been a concern.... The purpose of the Ombudsman is to promote the constructive role of readers' representatives.

Ombudsmen can serve as a forum for constructive criticism as well as a venue for readers' complaints about newspapers."

Almost all major media firms, both in India and overseas, have an internal mechanism for reviewing their content on a regular basis. The New York World (1860-1931), whose famed owner-editor Joseph Pulitzer (1847-1911) is responsible for its popularity, had a Bureau of Accuracy and Fair Play in the early 1910s, but no ombudsman. The Times of London and the Financial Times of London do not have an ombudsman, but they do have a detailed protocol for dealing with public complaints and making corrections as needed. The Guardian is currently the only national newspaper in the United Kingdom with an ombudsman.

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## **11.7 INDIAN PENAL CODE AND CRIMINAL PROCEDURE CODE**

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As mentioned before in this section, there are a slew of specific laws and rules that journalists must follow in order to operate within the confines of the law. Aside from that, law enforcement officials around the world must double-check that there are appropriate legal tools in place to prosecute individuals who disobey specific laws that apply professionally to illegal offences committed by any citizen, including journalists and media personnel. A nation state's general law and order structure, in addition to professional limitations, has various regulations. In India, for example, the Indian Penal Code (IPC) of 1860, the Criminal Procedure Code (CrPC) of 1973, and numerous more laws exist to maintain the country's basic law and order situation. It is critical that you understand some provisions of the IPC that are relevant to your profession.

### **Section 124 A of Indian Penal Code**

**Writing, Publishing, or Selling Seditious Material:** Under this section, "whoever brings or attempts to bring into hatred or contempt, excites or attempts to excite disaffection towards, the government established by law in India shall be punished with imprisonment for life, to which fine may

be added, or with imprisonment for three years, to which fine may be added, or with imprisonment for life, to which fine may be added, or with imprisonment for three years, to which fine may be added, or with imprisonment for three years, to which

"Disaffection encompasses betrayal, plotting to destabilise a legally elected administration, and promoting attitudes of sedition and hatred."

This provision also states that anyone who publishes materials that "incite violence or cause public disorder, or is intended to do so, or has a tendency to do so with the intent of overthrowing the government constituted by law" would be penalised. As a result, any publication of such ideas in a newspaper, magazine, or book would be considered seditious. Even selling items containing seditious material would be a violation of this clause, and hence criminal. The journalists, on the other hand, would be free to remark on subjects of public interest and concern as long as it was done fairly and without inciting hatred. However, such remarks should avoid treason, sedition, or obscenity. As a result, it is in the media's best interests to be vigilant in order to avoid being caught off guard by any legal offence under the terms of this law.

### **Section 153 A of Indian Penal Code**

According to Section 153 A (1), anyone who promotes or attempts to promote disharmony or feelings of enmity between different groups on the basis of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to the maintenance of harmony by words, either spoken or written, or visible representations or otherwise, promotes or attempts to promote disharmony or feelings of enmity on the basis of religion, race, place of birth, residence, language, caste or community, or any other

According to Section 153 A (2), anyone who commits any act that is prejudicial to the maintenance of harmony between different religious, racial, language, or regional groups, castes, or communities, and disturbs or is likely to disturb public tranquility is punishable by up to three years in prison, a fine, or both.

It should be noted that journalists who cover communal riots or disturbances in India on a regular basis are likely to be caught up in the provisions of this law. For this reason, the Press Council of India has already created and framed particular guidelines for journalists reporting terrorism, sectarianism, and communal unrest, and media persons are recommended to pay close attention to them.

In addition to the provisions of the IPC stated above, media persons should be aware of the following parts of the IPC: Sections 171 G (publishing false statements in connection with an election); Sections 292 (publishing and sale of obscene books, magazines, etc. ); Section 293 (sale of obscene books intended for young persons); Section 295A (deliberate and malicious acts intended to outrage religious beliefs of any class); and Sections 499, 500, 501, 502 and 505 (deliberate and malicious acts



intended to outrage religious beliefs of any class); and Sections (all relate to law of defamation discussed already).

Section 91 (court summons issued to media persons to produce document); Section 93 (when a search warrant may be issued against journalists in connection with a news story or article); Section 95 (power to declare certain publications forfeited and issue search warrants for the same); Section 96 (application to the High Court to set aside declaration of forfeiture); Section 108 (security for good behaviour from persons disseminating information).

It would be prudent for reporters and correspondents covering such events to be well-versed in these aspects.

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## 11.8 PROFESSIONAL BODIES

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Despite the fact that journalism is a more than 230-year-old practise and profession, well-known and legitimate associations, unions, or groups of journalists only emerged after the country's independence in 1947. The All-India Newspaper Editors' Conference, led by Durga Das, was the first respectable gathering of top journalists to be established in 1948. Durga Das was an Indian veteran journalist who eventually became the Hindustan Times' editor. Following that, in 1950, the Indian Federation of Working Journalists (IFWJ) was created, led by M. Chalapathi Rau, the editor of the National Herald.

In 1972, the National Union of Journalists (India) was established in Delhi. This was a splinter faction of the IFWJ. In 1989, the IFWJ split again, resulting in the formation of the Indian Journalists Union. However, in recent years, several new organisations have emerged, including the All-India Small and Medium Newspapers Federation, the Editors Guild of India, the Association of News Cameramen, Documentary Makers, Women Journalists Association, and staff of several cable networks. The Indian Newspaper Society, which was created in 1939 as the Indian and Eastern Newspaper Society, is the oldest organisation that primarily represents newspaper proprietors. These journalist organisations have made requests on behalf of journalists and media freedom from time to time.

It's worth noting that the majority of these organisations have always been concerned with pressing media issues.

### Check your Progress

- 1) Discuss the Press and Registration of Books Act
- 2) Discuss the need for PCI
- 3) What is the Indian Penal Code?



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## 11.9 SUMMARY

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The law is a system of rules by which citizens govern their conduct in relation to one another and the state, and it is primarily intended to ensure peace and serenity, law and order, and a climate of friendliness and cordiality in society. When reporting crime news, court trials, parliament and state assembly proceedings, personal or government matters, for example, several safeguards, considerations, and attention must be taken to ensure that news reports originating from these sources do not violate legal boundaries. Press & Registration of Books Act, 1867, Working Journalists Act, 1955 and Press Council Of India Act, 1978 are some important media related acts to refer to.

Media organisations support the creation of an ombudsman institution in order to "enforce journalistic ethics." In many nations, however, it has become a "feature of self-regulatory apparatus." In 1972, the National Union of Journalists (India) was established in Delhi.

In 1989, the IFWJ split again, resulting in the formation of the Indian Journalists Union. However, in recent years, several new organisations have emerged, including the All-India Small and Medium Newspapers Federation, the Editors Guild of India, the Association of News Cameramen, Documentary Makers, Women Journalists Association, and staff of several cable networks.

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## 11.10 QUESTIONS

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1. Enumerate some of the laws and regulations, which media persons should
2. Why was Press and Registration of Books Act enacted?
3. Why was Working Journalists Act enacted? Is Working Journalists Act applicable to audio visual media and news agencies?
4. Do you think the Press Council of India should be invested with more powers?
5. What are the provisions of Section 153 A (2) IPC?

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## 11.11 REFERENCES

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## **SOCIAL RESPONSIBILITY OF THE MEDIA, INTELLECTUAL PROPERTY RIGHTS AND COPYRIGHT IN INDIA**

### **Unit Structure**

12.0 Objectives

12.1 Introduction

12.2 Social Responsibility of Media

12.3 Responsibilities of Media

12.4 The Intellectual Property Rights

12.5 Copyrights

12.6 Types of Intellectual Property Rights

12.7 Emerging Issues of Intellectual Property Rights

12.8 Indian Patent ACT

12.9 Summary

12.10 Questions

12.11 References

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### **12.0 OBJECTIVES**

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- the value of the media;
- the current situation of the media in India; and
- the need for an ethical approach.
- Delineate the concept of intellectual property and property rights
- Explain the concept and significance of intellectual property rights;
- Discuss the different types of intellectual property rights;
- Describe the issues and agenda of the intellectual property rights; and
- Explain the nature and objectives of the intellectual property rights

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## 12.1 INTRODUCTION

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As a powerful vehicle of communication, media has become an inseparable part of our daily lives. It has made enormous inroads into the homes and minds of millions of people, starting with print and progressing to audio and then visual formats. The media's enormous influence may be felt in all aspect of life, including the shaping of the nation's entire thought process. For the average person, media is one of the most enjoyable aspects of their lives; for the intellectual, it stimulates thought. The media, in its different forms, performs noteworthy labour and service by exposing systemic flaws and raising issues on a national level. Sensationalism, on the other hand, has become the trademark of the media today, with filthy details and crime enthralling the nation into the wee hours of the night in the name of news. However, the media aids in the promotion of positive values while also exposing the negative aspects of the society system. A bold media aids individual in realising their full potential and combating all forms of injustice. The media has been given the status of the fourth estate since it is one of the most potent vehicles for disseminating information to the general public. Because of its potential to shape public opinion and affect public policy in democratic societies, the media plays an even more significant role.

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## 12.2 SOCIAL RESPONSIBILITY OF MEDIA

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We tend to flow into news, music, movies, education, advertising messages, and other material through the media, which is the communication channel through which we tend to flow. Newspapers, magazines, televisions, radios, billboards, telephones, and the internet are all examples.

A democratic society is one that is controlled by, for, and by the people, and that gives all citizens an equal opportunity to participate and play a significant role in the democratic process.

So, a democratic media is the idea that the media should be organised on democratic principles rather than strictly commercial ones, with the goal of achieving openness, inclusivity, one-person-one-vote, and other fundamental democratic notions. India is an uncommon example of a vibrant democracy with a diverse political landscape because of its huge religious, ethnic, and linguistic diversity. Print media (newspapers, magazines), broadcast media (TV, radio), outdoor or out-of-home (OOH) media, and the internet are the three main types of media (Social Media).

The media serves as a link between citizens and the government, as well as a powerful tool that has the ability to shape and break public opinion. Without a free press, democracy cannot succeed. It is crucial since it is the people's voice; nonetheless, the media must not succumb to monetary or other temptations and must remain committed to serving people honestly. The fourth pillar of democracy was the media.

It is crucial in the development of human minds. It informs citizens and the general public on current events in politics, sports, economics, social, and cultural spheres. By acting as a mirror, it reflects both the blank truth and the unpleasant facts. It does, however, play a significant role in moulding public opinion and, by extension, democracy.

Social responsibility of the media, intellectual property rights and copyright in India

It is seen as the backbone of democracy because it empowers individuals through information. The media also organises debates on current events and opposing policies, allowing for a wide range of viewpoints to be expressed.

To a human, the power of speech is euphoria. The right to freedom of speech and expression has been recognised as a unique feature of democratic societies. The freedom of the press is protected under Article 19 (1) (a) of the Indian Constitution.

It isn't directly specified, but it is required because the press and a person or citizen have the same freedom to express themselves. Though the press and media have freedom to express their opinions, these liberties are not unlimited and are subject to limitations. The Supreme Court ruled in *Romesh Thappar v. State of Madras* that the Government of Madras had barred the entry and circulation of the English newspaper "Cross Road," which was printed and published in Bombay. The same was found to be a violation of freedom of speech and expression since "publication would be of little value without the freedom of circulation."

The Supreme Court declared in *Union of India vs Association for Democratic Reforms* that freedom of speech and expression encompasses the right to give and receive information, as well as the freedom to express oneself.

The Daily Newspapers (Price and Page) Order of 1960, which increased the number of pages and size that a newspaper might publish for a fee, was deemed to be an affront to press freedom and not a legitimate restriction under Article 19 of the Constitution (2).

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## 12.3 RESPONSIBILITIES OF MEDIA

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The press and others associated with the media bear a greater responsibility to society and, as a result, to the people of this country. In the new scenario, when we are confronted with multiple challenges with machinery and, as a result, the general public is required to face the challenges of globalisation and international developments, the press, administrative machinery, and the general public are required to face the challenges with great sincerity. Thus, the smooth functioning of democratic procedures, the legislature's vigilant eye, and, at the same time, public opinion and press freedom must be maintained, of course within constitutional boundaries and permissible restrictions. The media in a democratic country such as India has the following responsibilities:

- i. To provide individuals with unbiased information. The facts will not be tainted by the media; they will be presented as they are.

ii. To play a critical role in empowering individuals with knowledge in order to widen their thinking. It is the responsibility of the media in a country like India, where there is a high proportion of illiteracy, to convey knowledge and broaden people's perspectives.

iii. To fairly criticise any action goes against the spirit of fairness and the foundations of democracy.

iv. To put the principle into effect and play a critical role in launching the proper procedure against societies accused of antisocial behaviours, regardless of political affiliation.

v. To instil a sense of community and fraternity among individuals, as well as a belief in democracy and fairness. The civilians of India will be able to experience democracy in its genuine sense if the media keeps scrupulously to its responsibilities.

The media's influence and power in democratic societies is legendary. The media serves as a watchdog for the government, reporting on all of the administration's acts and keeping the public informed about what is going on in their community on a daily basis. Transparency and authority are required for a democratic system to work properly. Without a free press, democracy cannot succeed. Because the press is the people's voice, it is an inseparable aspect of democracy. Citizens have the right to freedom of speech and expression, for example.

The media is democracy's sword arm, and it plays a critical role in Indian democracy. Every person is a vehicle for expression. The media plays a critical role in educating people about societal ills such as child marriage, the killing of a female unborn child, and the harmful practise of child labour, among others. Modern media, particularly electronic media, has improved the quality of the democratic process by giving a forum for public input on national and social issues in a way that can affect the government.

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## 12.4 THE INTELLECTUAL PROPERTY RIGHTS

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Intellectual property (IP) is a word that refers to the distinct and unique works of an individual's intellect for which the individual's property rights are recognised. This unit will go over the definition of the term as well as other relevant subjects in depth. Individuals must be granted property rights for the originality of their works, inventions, and discoveries, as well as innovations, in order to appreciate and regard the human resource. The unit will also discuss the intellectual property rights' varied concerns and priorities.

The unit begins with a definition and description of intellectual property and intellectual property rights. The concept of intellectual property rights is then defined. We propose an intellectual property form and analyse intellectual property's nature. The nature and purpose of intellectual

property rights are next discussed, followed by an examination of the many challenges that arise as a result of intellectual property rights.

Social responsibility of  
the media, intellectual  
property rights and  
copyright in India

### **Concept of Intellectual Property Rights**

Intellectual property (IP) is a term that refers to mental inventions that are unique in nature and have not been reproduced by anyone or anywhere. Inventions, literary and artistic works, symbols, names, images, and designs utilised in business are all examples of intellectual property. Since millennia, the term "intellectual property" has been used.

"Only in this way can we protect intellectual property, the labours of the mind, productions and interests are as much a man's own...as the wheat he cultivates, or the flocks he rears," wrote Justice Charles L. Woodbury in one of the court judgments in 1845. 1 Woodb. & M. 53, 3 West.L.J. 151, 7 F.Cas. 197, No. 3662, 2 Robb.Pat.Cas. 303, Merw.Pat.Inv. 414; 1 Woodb. & M. 53, 3 West.L.J. 151, 7 F.Cas. 197, No. 3662; 2 Robb.Pat.Cas. 303, Merw. The phrase "discoveries are...property" dates back to a previous era. The World Intellectual Property Organization (WIPO) was founded in 1967 as a result.

Intellectual property can be divided into two categories: (i) individual property and (ii) copyright.

Individual property refers to properties that are unique and intangible in character, and are tied to commercial or industry-related items, such as inventions (patents), trademarks, industrial designs, and geographic indications of origin.

Literary and artistic works such as novels, poetry, and plays, films, musical works, articles, and artistic works such as drawings, paintings, pictures, and sculptures, as well as architectural designs, all fall under the category of copyright. Copyright includes performing artists' rights in their performances, phonogram makers' rights in their recordings, and broadcasters' rights in their radio and television shows.

An individual, like any other tangible property, has the right to own and preserve its mind's original creativity. Intellectual property is the term for such a right. An intellectual property right establishes ownership, and anyone who wants to use it must first obtain permission from the owner. If such creations are exploited without permission, legal action may be taken against the individuals involved.

### **CONCEPT OF INTELLECTUAL PROPERTY RIGHTS**

Intellectual property rights are one of the most commonly discussed topics in scientific circles, and protecting scientific discoveries with commercial potential is one of the most important considerations. Human knowledge is equally valuable in this day, when persons are viewed as valuable resources by organisations, and it may propel organisations to new heights.

Based on western scientific philosophy and knowledge generating methods, knowledge is assumed to be the result of individual creativity. Intellectual property rights, in this paradigm, are property rights to products of the mind, which are the consequence of an individual's knowledge and creativity. Intellectual property rights confer legal ownership of mental inventions, encompassing both artistic and commercial works. Owners of intangible assets are granted exclusive rights under intellectual property law, as well as the financial incentive of monopoly profits.

## **NATURE OF INTELLECTUAL PROPERTY RIGHTS**

Except for copyright, which is global in nature in the sense that it is immediately available in all countries of the Berne Convention, IPR are generally territorial or geographically based rights (that is, they may differ from country to country). These are monopoly rights, which means that no one can use them without the permission of the right holder. All intellectual property rights, with the exception of copy rights and trade secrets, must be renewed on a regular basis. IPR, like any other property, can be assigned, gifted, sold, and licenced. Geographic indications, on the other hand, could be used to safeguard particular agricultural and traditional items.

## **OBJECTIVE OF INTELLECTUAL PROPERTY RIGHTS**

Intellectual property rights seek to achieve the following goals:

- 1) It aids in the protection of an individual's creation's ownership and originality.
- 2) It acknowledges the person or authority in question.
- 3) It permits intellectual property owners to profit financially from the assets they have developed.
- 4) They are given financial incentives to create intellectual property and to bear the costs of intellectual property investment.
- 5) These rights encourage people to be more creative, which helps the economy flourish.
- 6) It can also provide financial assistance to the rightholder through the monopoly of their creations.
- 7) It helps an individual's financial situation as well as the country's economy.

## **Intellectual property rights in India**

In India, the importance of intellectual property is well recognised at all levels: legislative, administrative, and judicial. India has approved the World Trade Organization (WTO) accord (WTO). This agreement includes, among other things, a Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which went into effect on January 1,



1995. It establishes minimum criteria for the protection and enforcement of intellectual property rights in member nations, requiring them to encourage effective and adequate intellectual property rights protection in order to reduce trade distortions and barriers. The TRIPS Agreement imposes duties on member nations to provide a minimum level of protection within their legal systems and practises.

The Agreement establishes norms and standards in the domains of intellectual property listed below:

- Copyrights and related rights
- Trademarks
- Geographical Indications
- Industrial Designs
- Integrated Circuit Layout Designs
- Undisclosed Information Protection (Trade Secrets)
- Plant varieties
- Patents

### **Period of Transition**

India, as a developing country, has a five-year transition time (from January 1, 1995) to implement the Agreement's terms (until January 1, 2000). A five-year transition period, ending January 1, 2005, is also available for expanding product patent protection to previously unprotected areas of technology. This would mostly be in the pharmaceutical and agricultural chemical industries.

### **Copyrights**

The Indian Copyright Act of 1957, as revised by the Copyright (Amendment) Act of 1999, completely implements the Berne Convention on Copyrights, to which India is a signatory. India is also a signatory to the Universal Copyright Convention and the Geneva Convention for the Protection of Rights of Producers of Phonograms. India is also a member of the World Intellectual Property Organization (WIPO) in Geneva and the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

The copyright legislation has been updated on a regular basis to keep up with evolving needs. The most recent update to the copyright law, which took effect in May 1995, brought about significant revisions and brought the copyright legislation in step with advances in satellite broadcasting, computer software, and digital technology. For the first time, the new law includes safeguards to protect performance rights as outlined in the Rome Convention.

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## 12.5 COPYRIGHTS

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- The Indian Copyright Act, 1957, completely implements the Berne Convention on Copyrights, to which India is a signatory.
- India is also a member of the Geneva-based World Intellectual Property Organization.
- The Act protects literary, artistic, and performance rights by making it illegal to reproduce them without the owner's permission. • The author of the work is the first owner of the copyright in the work. • Registration of the copyright is not required for acquiring copyright or enforcing copyright through a lawsuit.
- Original literary, dramatic, musical, and creative works – Cinematography films – The Copyrights Act covers the following types of work:

— Recording audio

### Copyright infringement

Infringement occurs when a copyright is used illegally or when it is exploited without the author's permission. The following are the governing principles for determining copyright infringement:

- There can be no copyright in an idea, subject matter, themes, narratives, or historical or legendary facts, and any infringement in such situations is limited to the creator of the copyrighted work's form, manner, and arrangement and presentation of the idea.

When the same idea is developed in a different way, it shows that the source, Intellectual Property Rights, is common. As a result, there are sure to be parallels. In such circumstances, the courts should consider whether the similarities are on essential or substantial parts of the copyright work's form of expression. If the defendant's work is merely a literal limitation of copyright variations, the case will be dismissed. To put it another way, for a copy to be actionable, it must be significant and material, which immediately leads to the judgement that the defendant has committed piracy.

- If the reader, spectator, or viewer is clearly of the opinion and gets an unmistakable impression that the subsequent work appears to be a copy of the original after reading or seeing both works, there is no question of copyright violation. • If the theme is the same but is presented and treated differently so that the subsequent work becomes a completely new work, there is no question of copyright violation.
- However, where, in addition to the similarities between the two works, there are also material and broad dissimilarities that contradict the purpose to duplicate the original and the co-incidences between the two works are clearly coincidental, no infringement of the copyright exists.

The Copyright Act has been kept out of the way of fair dealing with any work.

Social responsibility of the media, intellectual property rights and copyright in India

In sophisticated and technical areas of copyright violations, the court may seek the advice of an expert (s).

- The test for detecting piracy is to determine if the original's faults and deviations have been replicated.
- Laws restricting human enterprise should be viewed broadly, and the Copyright Act should not be interpreted to exclude study and scholarship.
- The plaintiff has the burden of proving to the court that the defendant has infringed on his copyright.
- Innocence is not a defence to an infringement prosecution. Because an infringement is in the nature of an invasion of a property right, the infringer's motive is irrelevant as long as there is an infringement.
- The effect, not the purpose, is relevant in determining whether or not there has been an infringement.
- Even if the literary work was not registered, the owner of the literary work could sue for copyright infringement. The failure to register a work does not exclude a lawsuit for infringement.

### **Exceptions to copyright infringement**

Infringement does not include, among other things, the following actions:

Fair dealing with a literary, dramatic, musical, or artistic work that is not a computer programme for private use, including research, criticism, or review, making copies of computer programmes for certain purposes, and reporting current events in newspaper magazines or by broadcasting, cinematography film, or photography.

- Reproduction of court proceedings and reports, exclusively for the benefit of Members of the Legislature, in a certified copy delivered in line with law (creative work prohibited).
- Public reading or reciting of literary or dramatic excerpts.
- In some cases, publication in a collection for use in educational institutions.
- Reproduction by a teacher or a student during a lesson, on question papers, or in answers.
- In specific instances, performance in the course of educational institution activities.
- In certain circumstances, causing a sound recording to be heard in public by playing it in a closed room or in a club.
- A performance in a non-paying audience or for religious institutions in an amateur club.

- In certain cases, reproduction of an article or topical, economic, political, social, or religious issues in newspapers and magazines.
- The owner of the copyright in an existing work or the potential owner of the copyright in a future work may assign the copyright to anybody, in whole or in part, generally or conditionally, and for the whole life of the copyright or any part thereof.
- The owner of the copyright in any existing work, or the prospective owner in any future work, may give any interest in the right by a licence signed by him or his duly authorised agent in writing.

Several efforts have been implemented to improve and streamline copyright enforcement. The creation of a Copyright Enforcement Advisory Council, training programmes for enforcement officers, and the establishment of special policy cells to deal with copyright infringement cases are among them.

### **Patents and Trademarks**

Any symbol, or combination of signs, capable of distinguishing one undertaking's goods or services from those of other undertakings has been defined as a trade mark. Under the TRIPS Agreement, such identifying marks are considered protectable subject matter. The Agreement stipulates that the original registration and each subsequent renewal shall be for a period of not less than seven years, with the registration being renewable forever. Licensing of trade marks on a compulsory basis is not permissible.

A comprehensive review of the Trade and Merchandise Marks Act, 1958 was conducted in light of changes in trade and commercial practises, globalisation of trade, the need for simplification and harmonisation of trade mark registration systems, and other factors, and a Bill to repeal and replace the 1958 Act was passed by Parliament and notified in the Gazette on December 30, 1999. This Act harmonises Trade Marks Law with worldwide systems and practises, as well as making it TRIPS compatible. The law is now being implemented.

The Trade and Merchandise Marks Act of 1958 is a federal law that regulates the use of trade and merchandise marks.

An act to provide for the registration and improved protection of trade marks, as well as the prevention of the use of counterfeit markings on goods.

### **Check your Progress**

- 1) What are IPR?
- 2) Discuss the need for patents and trademarks.
- 3) Discuss the Copyright act.

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## 12.6 TYPES OF INTELLECTUAL PROPERTY RIGHTS

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Social responsibility of  
the media, intellectual  
property rights and  
copyright in India

The term "intellectual property" refers to the ownership of an intellectual work rather than the work itself. Depending on the nature of the work, intellectual property rights can be divided into several categories. Copyrights, trademarks, patents, industrial design rights, and trade secrets are the most frequent categories of intellectual property, as detailed below:

1) **Copyright:** This is a legal right that the owner of a literary or artistic work has. The right to control the publication, dissemination, and modification of creative works is an exclusive right. Copyright laws govern the intellectual property rights of creative works such as articles, books, music, software, and paintings, among other things.

For a limited time, the owner, also known as the copyright holder, retains the right. The work can be republished or duplicated by others as time passes.

A copyright usually lasts for the duration of the owner's life and up to 50 to 100 years after death.

The right to use anonymous works lasts for 95 years after publication or 120 years after creation in the case of anonymous works.

2) **Trademarks:** Certain insignia issued by companies, political parties, governmental entities, and other running institutions can be used to identify or recognise them. These symbols are trademarks, which are commonly used to identify a certain product and to designate its source. A trademark is a set of words, phrases, symbols, logos, designs, images, or gadgets used by an individual, legal entity, or business to differentiate their products from those of others. Reebok/LG/Whirlpool/Godrej, for example, may be identified by their emblem, which is embossed on their items. Another example is the logos of non-governmental organisations (NGOs) such as WHO, UNICEF, and others, which distinguishes these organisations from one another.

The businesses have their trademarks registered, and these trademarks are legally protected. If these trademarks are ever misappropriated, the owners can take legal action against the people who do so. The right to trade marks protects a company's or institution's products and services that aid in the development of its brand, including pharmaceuticals.

They can be registered on a national or worldwide level, giving them the right to use the TM mark. The letters TM are appended to an unregistered trade mark. If a competitor or anybody else uses the same or similar name to trade in the same or related field, this can be enforced in court.

3) **Patents:** Patents are intellectual property rights that are tied to new discoveries. Patents protect novel products, processes, and apparatus. The right to patent states that the innovation is not evident in light of previous work, that it has not been reproduced, and that it has not been disclosed elsewhere in the world at the time of filing. However, patents can only be

granted to inventions that have a practical application. Persons who invent a new machine, process, object of manufacture, or composition of matter, as well as biological discoveries, are granted this right.

There are various patent standards that vary from nation to country, and one's innovation must match these criteria in order for one's rights to be protected. In general, the innovation must be novel, imaginative, and useful or industrially applicable.

In order to get a patent for his or her invention, the person must first register. Once a person receives a patent for an invention, he or she has the only right to prevent anyone from creating, using, selling, or distributing the patented invention without permission. A patent is generally valid for 20 years from the date of filing the application (for the patent).

**4) Industrial design rights:** These rights, which fall under the umbrella of intellectual property, protect the appearance of goods. These rights are given to products that stand out because of their unique shape or pattern. A design can take the form of a shape, colour, pattern, or a mix of these elements. It could be a manufactured item or a handcrafted item. The design can be two-dimensional (based on pattern, colours, and lines) or three-dimensional (based on texture, colours, and lines) (as per shape and surface).

The right is granted based on a number of characteristics, including novelty, inventiveness, and aesthetic appeal. The owner of an industrial design right has the only right to manufacture and sell any goods to which the design is applied.

The permission is granted for a term of ten to twenty-five years. The design must be registered either on a national level or as part of an EU (European Union)-wide single right.

**5) Trade secrets:** Trade secrets are the rights awarded to a company's designs, procedures, formulas, instruments, processes, recipes, patterns, or concepts in order to acquire a competitive edge.

The owner of a trade secret has no control over anyone who obtains access to the secret on their own, but he can restrict anyone who has learned it from the owner from using it. An employer, for example, can protect trade secrets by negotiating contracts with his staff. It is distinct from other sorts of intellectual property in that the owner is responsible for keeping the secret, and it is not protected by government rules. Once a trade secret has been revealed, it can be used and abused by anyone else.

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## 12.7 EMERGING ISSUES OF INTELLECTUAL PROPERTY RIGHTS

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Having a copy right over one's intellectual work is, without a doubt, a serious matter not only for the individual or the organisation, but it is also a substantial contribution and a matter of national renown. However, there are several outstanding concerns or agenda items that cast doubt on the

process and the concept of intellectual property rights. The following are only a few of them:

Social responsibility of the media, intellectual property rights and copyright in India

**1) Piracy of natural and biological resources:** In order to establish global economy, governments adopt and take up the biological and natural resources of other countries. These resources, which may have originated elsewhere, may be recognised and patented elsewhere simply due to the home country's neglect or ignorance. For example, the free movement of neem seeds from farms, fields, and commons to firms like W. R. Grace for export; the transfer of basmati rice varieties from India to boost the US rice economy. There are no laws or legal remedies in place to combat such irrationality or ignorance.

**2) Intellectual and cultural piracy:** In order to compete and obtain recognition as well as better financial conditions, communities and the country's unique activities, cultural and intellectual heritage are openly taken. Many times, nations and groups claim intellectual property rights that do not belong to them and were not taken without previous acknowledgement or consent from the actual location. Consider the usage of the brand term 'basmati' by US firms for fragrant rice, or Pepsi's use of the trade name 'Bikaneri Bhujia' by Pepsi. Such practises are disputed and suspect.

**3) Economic piracy:** Using trade names, domestic and international markets are hijacked or taken over in a variety of situations, destroying local and national economies where the original innovation occurred. This has a negative impact on millions of people's livelihoods and economic existence. For example, US rice traders are snatching European markets from small-scale Indian manufacturers of neem-based biopesticides, and Grace is snatching the US market from small-scale Indian producers of neem-based biopesticides.

**4) Internet piracy:** It is extremely difficult for countries and organisations to protect their intellectual property and trade secrets in today's digital environment. The internet and intranet are two common ways for confidential and original information to be leaked.

**5) Copyright infringement:** Many times, there are serious violations of the law, where competitors use domestic and literary work without the permission of the person concerned.

## SIGNIFICANCE OF INTELLECTUAL PROPERTY RIGHTS

An intellectual property right is a valuable right that recognises and rewards an individual's creativity and originality as a result of his or her mind and brain. As a result, it has a great deal of significance. The following are a few of them:

- Intellectual property rights give incentives and recognition to individuals, governments, nations, institutions, and organisations; intellectual property rights foster innovation and improve quality of life.



Industrial designs are what make a thing desirable and appealing; as a result, they boost the product's commercial worth and marketability.

- The features of a good advertisement, like the elements of a good product or service, are likely to be mimicked or duplicated by others. As a result, it's not uncommon that one or more types of IP rights are involved in the creation of ad content or the execution of an ad campaign.

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## 12.8 INDIAN PATENT ACT

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The first patent laws in India were enacted in 1856. These were changed on a regular basis. Following independence, the Indian Patent Act 1970 was enacted, which established new patent laws.

India joined the Paris Convention, the Patent Cooperation Treaty, and the Budapest Treaty throughout the process of these revisions.

The revised Act's most notable and significant aspects are that an invention may satisfy the standards of novelty, creativity, and usefulness, but claiming a compound without specifying its use may result in a patent being denied.

### Check your Progress

- 1) What is the importance of a patent?
- 2) What are the emerging issues of patents rights?
- 3) What is the significance of Industrial Design Rights?

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## 12.9 SUMMARY

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Media social responsibility, IPR, and copyright in India must be studied for numerous reasons:

1. To hold the media accountable: The media has a major influence on society, hence they must be held accountable. Understanding media social responsibility can help us hold them accountable for harm caused by their reportage.
2. To defend intellectual property rights: Creators and inventors need IP protection. IPR helps us comprehend intellectual property laws and avoid infringement.
3. To stimulate innovation: Understanding IPR encourages creators and innovators to create new and inventive works.
4. To prevent copyright infringement: Copyright violation can result in fines and jail time. Studying copyright rules and regulations helps people and businesses avoid legal trouble.
5. To promote a fair and just society: Understanding the media's social responsibility, IPR, and copyright may stimulate and safeguard creativity and innovation and hold the media responsible.

Studying media, IPR, and copyright social responsibility in India is crucial for fostering a fair and just society, safeguarding intellectual property, supporting innovation, and avoiding legal issues.

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## 12.10 QUESTIONS

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1. State the responsibilities of Media towards society.
2. Explain the objectives of intellectual property rights.
3. Describe in detail 'Indian Copyright Act, 1957'.
4. State the types of Intellectual Property Rights.
5. Discuss the emerging issues of Intellectual Property Rights

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## HUMAN RIGHTS, ANIMAL RIGHTS

### Unit Structure

13.0 Objectives

13.1 Introduction

13.2 Basic Concept of Human Rights

13.3 Six Features of Human Rights

13.4 Major Landmarks in the Development of Human Rights

13.5 National Human Rights Commission

13.6 Role of Non-Governmental Organizations (NGOs)

13.7 Animal Rights

13.8 Summary

13.9 Questions

13.10 References

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### 13.0 OBJECTIVES

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To explain the basic concept of Human Rights and Animal Rights;

To Classify the main categories of Human Rights;

To Recall the major landmarks in the development of Human Rights;

To Trace the evolution of Human Rights and Animal Rights in India;

To Recognize the role of non-governmental organizations in the promotion and protection of Human Rights and Animal Rights

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### 13.1 INTRODUCTION

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The most important thing to understand about human rights is that they are inherent in human existence and are not a gift or treasure bestowed by any political sovereign through legislation or edict. Any law dealing with these rights has only one goal: to acknowledge them, regulate their exercise, and provide for their enforcement, as well as any associated issues.

This principle underpins the inviolability of some essential rights in a civilised society. Human rights are universal, indivisible, and interconnected, according to the United Nations.

In practise, 'human rights' have been defined as all characteristics of a dignified human existence that make each human being an equal part of the human family. The essence of human rights is human dignity. The genuine scope of human rights is defined by a broad awareness of this feature and appreciation of the range of human dignity.

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## 13.2 BASIC CONCEPT OF HUMAN RIGHTS

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Human rights have been classified in a variety of ways. The following are some of the categories:

### **Classical**

These have been described to include civil and political rights, as well as a general restriction on the state's authority in relation to activities that impact individuals.

### **Fundamental and Basic Rights**

With the recent increase in the number of human rights, there is concern that some of these rights will be diluted. As a result, the term "basic rights" is frequently used to denote the importance of specific rights. Some rights are so crucial that they must always take priority in national and international policy. They cover all rights to personal dignity as well as material requirements.

### **Individual and Collective Rights**

The majority of human rights are concerned with the individual. However, it will become clear that some of them can only be used by groups. This is especially true when the ability to exercise rights is tied to belonging to a specific group.

### **Rights of the First, Second, and Third Generations**

Clearly, this division reflects the evolution of rights over time. The civil and political rights come first, followed by the social, economic, and cultural rights. In recent years, academics have begun to discuss the existence of a third generation of rights, referred to as solidarity rights, such as the right to peace, development, food, and a clean environment. Human rights are inextricably linked to change.

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## 13.3 SIX FEATURES OF HUMAN RIGHTS

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We can deduct from the preceding explanation that all human rights categories have some characteristics. At least six characteristics are fundamental to the concept of human rights.

### **1. People are entitled to some rights just because they are human.**

Everyone has the right to a dignified and human life, and we must work together to make this a reality for everyone. These rights are inalienable and cannot be denied based on caste, colour, religion, or gender.

## **2. Human rights are universally recognised.**

They don't care about nationality, race, gender, or skin colour. Everywhere, people of all nationalities, colours, races, and religions have the same rights. All developed and developing countries on all continents must ensure that all of their residents have the same rights.

## **3. Human rights treat everyone equally.**

This is based on the principle that "all human beings are born free and equal in rights and dignity," and hence deserve the same opportunities and treatment, but also respecting their various cultures and traditions, political beliefs, sexuality, social origin, and status. Governments must seek to provide equal chances for all citizens of the country, which may require additional effort to ensure equal opportunities for specific groups of individuals, such as women, children, and the disabled.

## **4. These rights belong primarily to individuals**

This suggests they're interested in the link between a person and the government. As a result, it is the government's responsibility to build a society in which each individual can fully enjoy and exercise his or her rights.

## **5. The fundamental ideals of humanity are encompassed by human rights.**

These rights are regarded as essential for the growth of human personality and the preservation of human dignity. The right to life, freedom from slavery, and freedom from torture are examples of such rights.

Human rights promotion and protection are not limited to state borders, but rather define certain concepts that apply globally.

Human rights hold countries responsible for ensuring that the circumstances for the promotion, protection, and respect of human rights are met.

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## **13.4 MAJOR LANDMARKS IN THE DEVELOPMENT OF HUMAN RIGHTS**

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The concept of a Bill of Rights is not new, as seen by its inclusion in numerous early European national charters and constitutions.

The Magna Carta of 1215, the Union of Utrecht in 1579 (Netherlands), and the British Bill of Rights of 1689 are all early European charters that support the idea of some fundamental freedoms.

These charters established some freedoms that might be claimed if one had a certain status, and they were not all-inclusive, but rather conferred on an individual. Over the next few centuries, the concept of liberty became more decoupled from social standing and considered as a universal right.

This was also the period when the British colonies in North America fought for independence, and in 1776, they drafted their own Declaration of Independence, based on the principles of universal equality and the existence of certain inherent rights. These documents were subsequently integrated into the United States Constitution's American Bill of Rights. The French Declaration of the Rights of Man in 1789 demonstrates the concept's universal expansion.

The rights of the 18th and 19th centuries are known as "classic" rights since they concern individual liberty and were adopted into many national constitutions. In the domains of work, education, health, and welfare, governments now give additional categories of rights. Social rights are what these are referred to as.

The International Labour Organization (ILO), which was created in 1919 and is the inventor of several labour standards, was the first to enshrine social rights in international regulations.

The horrific atrocities of World War II can be regarded to have marked the beginning of the current 'period of human rights,' as they put an end to the idea that it was up to each sovereign state to decide how to treat its population.

The United Nations Charter's Preamble reinforces faith in fundamental human rights....." One of the United Nations' goals, according to Article 1 of the UN Charter, is to promote and encourage respect for human rights and fundamental freedoms for all people, regardless of race, gender, language, or religion. As a result, the international community has a legitimate concern about human rights. Individually and collectively, signatories to the UN Charter take on the responsibility of advancing human rights.

The United Nations Commission on Human Rights was created in 1946, and it developed the Universal Declaration of Human Rights in less than two years, which was ratified by the United Nations General Assembly (UNGA) in 1948.

The International Covenant on Civil and Political Rights, as well as the International Covenant on Economic, Social, and Cultural Rights, were signed in 1966. These five documents make up the International Bill of Human Rights, along with the First and Second Optional Protocols to the International Covenant on Civil and Political Rights.

As a result, internationally recognised human rights have become a new international "civilizational norm." Following WWII, a corpus of international human rights law emerged, reiterating the morally compelling concept of adherence to shared standards of justice in order to qualify for membership in the international community. It has evolved into a criterion for political legitimacy. National and international legitimacy are linked by these civilised behaviour requirements.

The evident emergence of universal human rights culture represents moral progress and is a powerful response to grave dangers to human dignity posed by contemporary political and economic tendencies.

Viewing development from a 'rights' perspective appears to be gaining traction for long-term sustainability. With current slogans like 'Everyone human rights for all' and 'The world is one family,' it appears that we are all equally human. It's nothing new to us Indians. 'Sarve Bhavantu Sukhinah' and 'Vasudhaiva Kutumbakam' have been our beliefs for a long time.

Fundamental Rights are a set of rights that all people have. Individuals are protected from violations of their human rights in this way.

Part IV of the Indian Constitution contains the Directive Principles of State Policy, which are essential principles of governance that must be followed by the government while formulating policies. These include the state's responsibility to maintain a social order that promotes people's welfare, social justice, the right to work, education, and social security, the provision of just and humane working conditions, the promotion of the interests of the weaker sections, the duty to improve public health by raising nutrition and living standards, and the protection and improvement of the environment, ecology, and wildlife, among others.

Furthermore, Article 51A outlines the Fundamental Duties of Every Citizen, which comprise a wide range of responsibilities aimed towards bolstering the guarantee of Fundamental Rights (Part IVA of the Constitution). Article 226 empowers the High Court to use its powers in the same way that Article 32 empowers the Supreme Court to enforce the Fundamental Rights.

The constitutional mandate requires the higher judiciary to protect and enforce human rights. The rule of law, as well as judicial scrutiny, are both fundamental features of our Constitution.

The Supreme Court of India has played an important role in increasing human rights, and it has determined that Clause 21 of the Constitution is the most fruitful article. In various cases, the Indian Supreme Court has ruled that compensation should be paid for violations of the article's rights, such as the right to human dignity, the right to a healthy environment, the right to social security, and the right to childhood protection, among others.

The impact of the 1948 Universal Declaration of Human Rights on the Indian Constitution's drafting (Parts III and IV) can be felt throughout. With minor reservations, India has ratified the Universal Declaration of Human Rights as well as both Covenants.

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### **13.5 NATIONAL HUMAN RIGHTS COMMISSION**

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The Protection of Human Rights Act of 1993 was adopted in India to provide for the establishment of a National Human Rights Commission,



State Human Rights Commissions in States, and other things related to or incidental to human rights protection. Section 2(1)(d) of the Act defines "human rights" as "individual rights to life, liberty, equality, and dignity guaranteed by the Constitution or contained in international covenants and enforceable by Indian courts." Section 12 enumerates the Commission's functions, which cover a wide range of activities to enable the Commission to not only investigate human rights violations or negligence in the prevention of violations, but also to promote human rights culture and perform any other function necessary for the promotion of human rights.

Since its inception in 1993, the National Human Rights Commission has served as a complement to the Supreme Court of India, undertaking activities that the NHRC is better equipped to handle, such as monitoring any situation or the functioning of an institution. The interdependence of these institutions has greatly strengthened the country's human rights protection apparatus, which is essentially a state obligation.

The Supreme Court's interpretation of the fundamental rights, particularly Article 14 (right to equality) and Article 21 (right to life), has significantly broadened the scope and meaning of human rights in India.

The National Human Rights Commission has also construed its powers under Section 12 of the Act to include, among other things, monitoring the functioning of government institutions in order to ensure greater protection of human rights and avoid violations. The National Human Rights Commission sees itself as a catalyst for greater governance, with the firm belief that only good governance based on the Constitution and the rule of law can effectively defend human rights. The connection between the two is obvious and direct.

The NHRC emphasised the nature and scope of the state's responsibilities for human rights protection in its orders issued in the wake of recent Gujarat communal unrest. "It is the primary and unavoidable responsibility of the State to preserve the right to life, liberty, equality, and dignity of all people who comprise it," the Commission stated. It is also the state's responsibility to ensure that such rights are not infringed upon, either directly or indirectly, through abetment or neglect. The State is responsible not only for the acts of its own agents, but also for the activities of non-State actors functioning within its jurisdiction, according to a clear and growing principle of human rights jurisprudence. In addition, the state is liable for any inactivity that may result in or enable a breach of human rights."

The National Commission on Human Rights has looked into a number of examples of egregious human rights violations by government authorities as well as terrorist groups. While investigating a complaint of human rights violations, the commission may request information or a report from the Central Government, any State Government, or any other body or organisation subordinate to it, within the time frame it specifies. When the

Commission concludes that a breach of human rights has occurred as a result of the investigation, it may take the following actions:

1. If the investigation reveals a breach of human rights or negligence in the prevention of human rights by a public servant, it may suggest that the responsible government or authority commence criminal proceedings.
2. Request directives from the Supreme Court or the High Court in question.
3. suggest to the appropriate government or authority that the victim or members of his family be granted prompt interim relief.

Whenever a member of the Armed Forces is accused of violating human rights, the commission is obligated to follow a particular procedure. It may request a report from the Central Government and offer recommendations.

The Commission was alerted by reports dated 22 March 2000, which appeared in all major publications, detailing the assassination of 35 Sikhs in a village in Anantnag District on the night of March 21, 2000, by armed militants. All of those killed were guys between the ages of 16 and 55, according to reports. After seeing the bodies of people who had been killed, a woman died of shock. At least two families have lost their entire male population. The event occurred just hours before President Barack Obama was scheduled to go to India for an official visit. The Commission sent notices to the Chief Secretary and Director General of Police of the Government of Jammu and Kashmir, as well as the Secretary of the Ministry of Home Affairs of the Government of India, requesting comprehensive reports. Six naxalites were slain by police in Murumdag village, Daltonganj, Bihar, on April 15, 1996.

An armed group came to the village to settle a quarrel, according to the Peoples Union for Civil Liberties in Palamau, which had previously inquired into the subject. Following the receipt of information, the police arrived and surrounded the members of the armed gang who had surrendered. Following that, the police forced the members of the group to stand in various locations and fired at them. Six people were murdered in total as a result of police shootings. The PUCL found that the police's claim that the naxalite gang assaulted the police party with bombs and firearms and that the police fired fire in self-defense, killing six people, was incorrect. The armed gang arrived in civilian clothing, but following their post-mortem examination, they were outfitted in khaki uniforms with no holes or bullet marks.

The deceased bodies were thrown away, but after a public outcry, the police transported six bodies in a police van and incinerated them. Because officers from the same police station were engaged in the shooting that resulted in the death, the Commission suggested that the case be referred to an independent investigating agency, the CID, and that the inquiry be completed within four months. If a prosecution is necessary as a result of the inquiry, preparations should be done to ensure a quick trial.

The Commission expressed the expectation that if the case resulted in a conviction, the State would compensate the victims.

The Commission was alerted to an incident published in the Indian Express on January 27, 1999, with the headline "Bihar: old script, fresh victims, and upper caste Ranbir Sena kills 21 Dalits in Jehanabad." According to the report, on January 25, 1999, the Ranbir Sena, a private army of upper caste landlords in Bihar armed with sophisticated weapons, killed at least 21 people in Rukhsagar Bigha village under the Mehandia Police Station in Bihar's Jehanabad district, including six children and five women.

The victims were all from the lower castes, with a few Dalits among them. While taking cognizance of the matter on 27 January 1999, the Commission expressed outrage at the news of the killing of 21 Dalits in Jehanabad and pledged to thoroughly investigate and prosecute the perpetrators, as well as to ensure that such tragedies did not occur again. It also ordered the state government to provide relief and assistance to the families of the deceased as well as the injured victims.

The National Human Rights Commission does not make decisions in the same manner that a court of law does, and its recommendations cannot be enforced in the same way that court judgments can.

The Commission's recommendations are widely publicised and have a significant political and social impact. It's worth noting the Commission's contribution to the anti-TADA effort. It has a temporary law that ended on May 23, 1995. When TADA expired, the government's successor law was not approved by Parliament.

### **Important Dates for Human Rights**

- 1215 Magna Carta
- 1776 American Declaration of Independence and Bill of Rights
- 1787 Constitution of the United States
- 1789 French Declaration of the Rights of man
- 1946 UN Commission on Human Rights
- 1948 Universal Declaration of Human Rights
- 1949 Geneva Conventions
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms
- 1961 European Social Charter
- 1966 International Covenant on Economic, Social and Cultural Rights (ICESC); the International Covenant on Civil and Political Rights

(ICCPR); and the (First) Optional Protocol to the Covenant on Civil Inhuman or Degrading Treatment or Punishment (UNCAT)

- 1993 Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights.

### **Check your Progress**

- 1) Discuss NHRC
- 2) What do you mean by human rights?
- 3) Discuss the major landmarks in the development of human rights

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## **13.6 ROLE OF NON-GOVERNMENTAL ORGANIZATIONS (NGOS)**

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The impact of human rights has had a significant impact on the concept of state sovereignty. Today, no country can claim that its treatment of its residents is solely a domestic issue. The modern concept of a global village has resulted in the human rights situation anywhere in the globe becoming a topic of worldwide concern as a result of globalisation of human rights. Voluntary groups, often known as non-governmental organisations, have begun to support and promote human rights in all nations around the world.

International non-governmental organisations such as Amnesty International and Human Rights Watch, as well as organisations such as the People's Union for Civil Liberties, have expressed concern about massive human rights violations in the former Yugoslavia (Kosovo, Bosnia and Herzegovina, etc.), Rwanda, East Timor, Sierra Leone, Sudan, Gujarat in India, and a variety of other conflict zones. The Human Rights Commission, founded by the United Nations General Assembly in 1946, coordinates the operations of such organisations on an international basis.

As a result of these non-governmental organisations' efforts, states are now required to report on their internal implementation of human rights obligations to a statutory organ (Human Rights Committee, Children's Committee, Women's Committee, Committee on the Elimination of Racial Discrimination, etc.).

It would have seemed unthinkable half a century ago that sovereign states would submit a report to an international body on their internal affairs, including government treatment of their citizens, and then participate in a discussion of the report with members of an international body drawn from all over the world. Such is the current power of the concept of human rights. Non-governmental organisations' impact on human rights protection and promotion is no longer contested.

The influence is undeniable and palpable. Along with genuine human rights organisations, both government and non-government, India's human

rights movement is quite powerful. Poverty is a major roadblock in the fight against human rights violations.

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## 13.7 ANIMAL RIGHTS

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India, the world's seventh largest country, is one of the world's most biodiverse regions, with four of the world's 36 biodiversity hotspots. It is home to a diverse range of species, from Bengal Tigers to Great Indian Rhinoceros, and animal preservation and care has become increasingly important in recent years. The Indian Constitution makes animal protection a fundamental duty, and there are several animal welfare laws in place in India, including the Prevention of Cruelty to Animals Act 1960 and the Wildlife Protection Act 1972 at the federal level, as well as cattle protection and cow slaughter prohibition laws at the state level.

The Indian Penal Code (IPC) 1860 is the country's official criminal code, covering all aspects of criminal law. All acts of cruelty, such as murdering, poisoning, maiming, or rendering animals useless, are punishable under sections 428 and 429 of the IPC. The aforementioned laws were enacted to protect animals from unnecessary pain and suffering, and similar laws are still being enacted in response to changing conditions. In addition to specific regulations, generic ideas such as tort law, constitutional law, and so on provide further protections for animals.

### The Constitution of India 1960

It is the "responsibility of every citizen of India to safeguard and improve the natural environment, including forests, lakes, rivers, and animals, and to have compassion for all living creatures," according to the Indian Constitution of 1960. This constitutional commitment to protect animals is supplemented by Article 48A's Directive Principle of State Policy, which states:

The state will work to maintain and improve the environment, as well as the country's forests and wildlife.

The 42nd Amendment, which was ratified in 1976, introduced both of the following constitutional requirements. While they are not immediately enforceable in Indian courts, they establish the framework for animal protection legislation, policies, and state directives at the federal and state levels. Furthermore, they may be enforced in courts by using a broad judicial interpretation to bring them within the scope of Article 21's judicially enforceable fundamental right to life and liberty.

### Sources of Law

The Constitution, statutes (legislations), customary law, and case law are the basic sources of law in India. India is organised into 28 states and eight union territories. The States are managed by their own governments, whereas the Union Regions are federal territories that are directly governed by the Indian government. The Indian Parliament is the country's top legislative body, whereas Indian states have their own legislatures.

Parliament enacts statutes for the entire country, state legislatures for individual states, and union territory legislatures for individual union territories. Only the Constitution of India can check and control central laws established by Parliament. It is possible that state laws will be overridden.

In addition to these basic statutes, there is a massive corpus of secondary legislation, including as rules, regulations, and bylaws, established by the federal and state governments, as well as local governments like municipal corporations and gramme panchayats (local village bodies). The three branches of government in India are vested with diverse functions due to the division of powers between the Legislature, Executive, and Judiciary parts of government. While the legislative has main authority for creating legislation, it is occasionally delegated to the executive branch for the purpose of producing delegated legislation.

India is governed by the common law system, which is based on recorded judicial precedents from the British colony. As a result, precedents and case laws play a crucial role in the evolution of law and jurisprudence. Higher court decisions, such as those of the Supreme Court of India and the High Courts of various States, have major legal sway and are binding on lesser courts.

India is a country with a vast range of religious and cultural traditions. As a result, some personal laws, local customs, religious texts, and conventions that are not contrary to statute, morality, public policy, or larger societal welfare are recognised as having legal status and are considered by courts in the administration of justice.

### **Power Sharing Between the Centre and the States**

According to Article 245 of the Indian Constitution, the Indian Parliament can make legislation for the entire or portion of India's territory, subject to the Constitution. States, Union Areas, and other territories within India, such as enclaves, make up India's territory.

The subject-matter of laws passed by Parliament and state legislatures is defined in Article 246. This subject content is divided into three lists in the Seventh Schedule:

**The Union List:** The Parliament has sole authority to enact legislation in the areas listed on this list.

**The State List:** The State Legislatures have sole authority to enact legislation in the areas listed on this list.

**Concurrent List:** Both the Parliament and the State Legislatures have the authority to enact legislation on the topics listed here.

The State and Concurrent List has been assigned to the following matters in the realm of animal rights.

The States have the authority to "[p]reserve, protect, and improve stock, prevent animal diseases, and enforce veterinary training and practise," according to Item 14 of the State List.

Both the Centre and the States have legislative authority over the following items on the Concurrent List:

Item 17: "Prevention of cruelty to animals."

Item 17B: "Protection of wild animals and birds."

The Animal Cruelty Prevention Act of 1960

### **The Prevention of Cruelty to Animals Act of 1960**

The Prevention of Cruelty to Animals Act of 1960 is India's core animal cruelty statute. The Act's goal is to avoid the imposition of undue pain or suffering on animals, as well as to reform legislation relating to animal cruelty prevention. Any living creature other than a human being is defined as a "animal" under the Act.

The Government of India formed the Animal Welfare Board of India (AWBI) with some of the following tasks in accordance with Chapter II of the Act:

- Advising the federal government on modifications and guidelines to minimise unnecessary pain in animals whether they are transported, used in experiments, or kept in captivity.
- Financial aid, rescue homes, and animal sanctuaries for elderly animals are all encouraged.
- Advising the government on animal hospital medical treatment and regulations.
- Educating and raising awareness about the humane treatment of animals.
- Providing broad animal welfare advice to the federal government.

Section 11 of the Act defines various types of animal cruelty as the following actions:

- a) Beating, kicking, overriding, overloading, tormenting, and causing any animal unnecessary pain.
- b) Putting to work an old, damaged, or unsuitable animal (the punishment applies to the owner as well as the user).
- b) Giving any animal a damaging medicament or medicine.
- b) Inflicting pain and discomfort on an animal while transporting it in any vehicle.



- e) Keeping any animal in a cage that does not allow it to move around freely.
- f) Keeping an animal on an excessively heavy or short chain for an excessively long time.
- g) Constantly confining an animal with no reasonable opportunity to exercise.
- h) Being an owner who fails to provide adequate food, water, or shelter to the animal.
- I) Neglecting an animal without good justification.
- j) Wilfully allowing an owned animal to roam the streets or abandoning it to die of disease, old age, or incapacity on the streets.
- k) Selling an animal that is in pain as a result of mutilation, malnutrition, thirst, overpopulation, or another mistreatment.
- l) Animals are mutilated or killed in horrible ways, such as with strychnine injections.
- m) For the express purpose of entertainment, using an animal as bait for another animal.
- n) Organizing, maintaining, using, or administering any location where animals are fought.
- o) Shooting an animal for such a reason after it has been liberated from captivity.

Dehorning/castration of cattle in the prescribed method, destruction of stray dogs in lethal chambers in the prescribed manner, and elimination of any animal under the power of law, however, are not considered cruelty under the Act. This section allows for considerable flexibility.

Animal Experimentation is covered in Part IV of the Act. Experimentation on animals for the aim of advancing physiological knowledge or information to battle disease, whether in humans, animals, or plants, is not prohibited by the Act. It calls on the central government to establish a Committee for the Control and Supervision of Animal Experiments, with the authority to forbid experimentation if necessary.

The topic of performing animals is covered in Chapter V. Section 22 makes it illegal to exhibit or teach an animal without first registering it with the AWBI. Animals such as monkeys, bears, lions, tigers, panthers, and bulls are prohibited from being used as performance animals under this section.

Section 28 of the Act provides more freedom, stating that "nothing in the Act shall make it an offence to kill any animal in a manner mandated by the religion of any group."

This section was deemed necessary due of the multiplicity of religions and traditions in India.

Animal cruelty is penalised by a punishment of Rs. 10 that can be increased to Rs. 50 on the first conviction. A subsequent conviction within three years of a previous infraction carries a fine of Rs. 25 that can be increased to Rs. 100, or three months in prison, or both. Phooka or any other surgery to increase breastfeeding that is harmful to the animal's health is punishable by a fine of Rs. 1000 or a sentence of up to 2 years in prison, or both. The government also has the authority to forfeit, seize, or kill the animal. Any violation of the committee's rule on animal testing is penalised by a fine of up to Rs. 200.

In 1976, the Indian Constitution was amended to include the 42nd Amendment, which laid the framework for animal protection in India. Animal protection legislation has been enacted both at the federal and state levels as a result of the constitutional provisions establishing the duty of animal protection, the most famous of which is the Prevention of Cruelty to Animals Act 1960. In addition, Indian courts have created a significant legal doctrine in animal law over time.

However, India still has a long way to go in terms of actually establishing a firm foundation for animal legislation.

The Indian Constitution's animal protection clauses remain ideas rather than concrete law that may be enforced in courts. The penalties for cruelty to animals under the Prevention of Cruelty to Animals Act 1960 are just insufficient to prevent crimes against animals. The law is not strictly enforced, and it provides many provisions that allow for liability to be avoided. In order to provide India with a stronger animal protection law, extensive modifications are required.

### **Check your Progress**

- 1) What are animal rights
- 2) Discuss the role of NGO's
- 3) Discuss the prevention of cruelty to animals act.

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## **13.8 SUMMARY**

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In conclusion, a more equitable and compassionate society may be fostered via education on human and animal rights in India. Human rights are a set of concepts that can help us build a society in which everyone is treated with respect and dignity and is safe from harm. Learning about the rights of animals is another step towards building a society that respects the worth of all sentient creatures and prevents their mistreatment. In sum, learning about these rights is crucial to fostering a society that respects and protects the rights of all its members.

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### 13.9 QUESTIONS

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1. How can we classify human rights? What are the six basic features of human rights?
2. What are the six basic features of human rights? Discuss the significance of human rights in the Constitution of India.
3. Explain in detail the National Human Rights Commission.
4. State the major landmarks in development of Human Rights
5. Discuss The Prevention of Cruelty to Animals Act of 1960

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## ETHICS IN PUBLIC RELATIONS

### Unit Structure

14.0 Objectives

14.1 Introduction

14.2 Ethics defined

14.3 Ethics in Public Relations

14.4 Impact of Public Relations on Society

14.5 Relation Between Ethics and Professionalism

14.6 Adoption of Code of Ethics in India

14.7 Summary

14.8 Questions

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### 14.0 OBJECTIVES

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- Define ethnicity and explain why it is important in society.
- Identify the possibilities for unethical behaviour in Public Relations activities; relate the impact of the Public Relations profession on society;
- Discuss the importance of public relations communication in the dissemination of information and persuasion;
- determine the inherent potential for societal benefits through persuasive communication;
- Describe the code of ethics followed by public relations firms;
- Justify ethical behaviour in persuasion;
- describe what a social audit is;
- address the need of linking organisational and public interests;
- provide some suggestions for ensuring communication ethics: and;
- Draw attention to the legal implications of public relations initiatives.

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## 14.1 INTRODUCTION

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In this Unit, we will address the need of maintaining ethical standards in the practise of public relations in this unit because it is such an important role that involves public opinion. Because of a few unscrupulous individuals, certain myths about public relations being a play or have brought some disgrace to this profession in its infancy. It is now a sophisticated and important management function, complete with its own code of ethics. We'll look at the importance of public relations in society, as well as its potential for good and bad application. We'll also look at the code of ethics and how it's been implemented in India.

We'll also look into the relationship between the Code of Ethics and the evolution of public relations professionalism. Today, public relations have evolved into a powerful instrument for motivation and management.

Freedom of expression in democratic societies, advancements in communication technology, increased industrialization and public awareness, globalisation, and other factors have all contributed to the need for professionalism in skilled mediation and information communication, making it a necessary skill today. We'll look at its impact on society as a whole now that we've established its importance and persuasive and instructive role.

In addition, certain ethical and legal aspects in public relations will be discussed. We'll go over several strategies for reducing distortion as well as preserving and sustaining strong moral and ethical standards in the profession.

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## 14.2 ETHICS DEFINED

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"That field of philosophy concerned with values relating to human behaviour, with respect to the rightness and wrongness of specific actions, as well as the goodness and badness of the reasons and Ads of such actions," says one definition. Ethics and morality are interchangeable according to dictionary definitions. Both are concerned with good or incorrect behaviour in terms of acceptable norms or principles.

To elaborate, it is the outcome of a behaviour that determines its ethicality, such as when the outcomes range from innocuous to beneficial. We think it's moral or correct. It is regarded wrong or unethical if the outcomes are damaging. The concept of right and wrong, on the other hand, changes with time, place, and circumstance. Because they are relative ideas, they vary through time and cannot be applied equally. Behaviour that is unethical in one age or community may be perfectly acceptable in another. However, ethical behaviour is still important to society in the long run.

### **Need for Ethical and Moral Standards of Society**

The difference between civilised and primitive civilizations is that in the former, the rule of law reigns supreme, whilst in the latter, the jungle law of survival of the fittest reigns supreme. Even in civilised communities,

though, the legacy of the past persists. Professional conduct standards, like other ethical standards, have their origins in moral codes represented in diverse religion doctrines, with the goal of bringing sanity to the civilised world.

However, religious and moral standards have given way to materialism and technological determinism as a result of the growth of ideology Phethdr Marxism, with its emphasis on centralised planning, or Capitalism, which feeds on the concept of free enterprise. As a result, ethical and social norms have deteriorated, leading to newer types of exploitation.

The only way to right the wrong now is to infuse powerful doses of morality into our individual working lives, and so into national life. As a result, ethical norms or codes of conduct are becoming increasingly important. The importance that the subject of human rights has recently received reflects this concern.

The problem of human rights has become so important in the world today that the United Nations, which was founded after World War II, established a "Universal Declaration of Human Rights," and the UN Charter affirms the organization's belief in these fundamental rights.

Following that, a series of international conferences were organised to discuss how far these rights had been implemented. India is currently taking moves to establish its own Human Rights Commission to ensure that these human rights are not violated in the country.

We will see later that the International Public Relations Association (IPRA) created a Code of Ethics that is based on these fundamental human rights.

Human rights and ethical standards are a concern for all organisations and professionals, be they accountants, bankers, or doctors, because they affect mankind as a whole. It's much more important for a Public Relations practitioner because their job entails swaying public opinion. This is due to the fact that the Public Relations Manager in any organisation is expected to act as the organization's conscience.

The pressures that cause ethical dilemmas in government, business, universities, family relations, and other spheres also affect the field of public relations: emphasis on immediate gains and extreme monetary benefits; lowering of all standards as a result of overzealous desires to help the poor, emphasis on materialism and self-gratification, and so on. Another issue is the management by objective doctrine, which emphasises the final result as the most important criterion in all decision-making.

As you can see, ethics is as crucial in Public Relations as it is in any other career. Those who are accountable for ensuring that the organisation they serve is value-based must adhere to stringent moral and ethical norms themselves.

After establishing the importance of ethics, we'll look more closely at where ethics fits into public relations and how it's handled.

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### 14.3 ETHICS IN PUBLIC RELATIONS

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In every non-profit or profit-making organisation, public relations has now become a critical function effecting management choices and influencing public opinion. However, before evolving as a profession and achieving universal stature, Public Relations went through many ups and downs. It is now a requirement for any organisation. The following are the reasons for this:

- Recognition of the right to freedom of expression and information.
- Telecommunications and transportation have progressed.
- Increased globalisation and the opening up of formerly closed civilizations.
- Governments use public relations to stay in power, to promote development, and so on.
- Business expansion, mergers, collaborations, operating with subsidiaries, cross-border operations, and cross-cultural operations are all possible.

#### Unethical Public Relations Practices

There were a lot of people appearing as public relations people but operating as press agents who used puffery and other unethical techniques to attain their goals in the early phases of public relations. This did a lot of damage to the discipline, and it's still hard for the public relations profession to get rid of names like "white washing," "sugar wooing," "fixing," "propaganda," and so on.

Defining what is ethical and what is unethical is a challenging undertaking. It would be more straightforward to clarify that it is a matter of choosing between the right and wrong options in accordance with what generates mental dissonance, which leads to feelings of shame and dishonesty. And dishonest communication isn't going to help you keep your relationships together. The general public is not to be dismissed as a bunch of knuckleheads. "You can fool some people all of the time, and all of the people some of the time," observed Abraham Lincoln, "but you can't fool all of the people all of the time."

To begin, should you utilise your abilities to promote a belief or cause that you believe is incorrect? A common example is smoking, which has been demonstrated to be harmful to one's health. Is it OK to publicise a cigarette despite this knowledge? There are numerous dilemma circumstances in which you are likely to become perplexed. However, it is critical to have faith in the organisation or cause for which you are working. You won't be able to do a good job otherwise. Before you can persuade others, you must first persuade yourself. There are a variety of



unethical activities that can be classified as unethical, ranging from news suppression to deception of the audience. The following are examples of unethical behaviour:

- Keeping undesirable information hidden
- misrepresenting facts
- undercutting a competitor offering to assist a cause but actually serving a different goal
- promising achievements that can't be achieved using unfavourable techniques to pressurise editors to print publicity material

The foregoing just serves to demonstrate that, like other professions, public relations may be abused. It is also commonly believed that excellent public relations can change bad behaviour. This misunderstanding must also be dispelled.

Public relations understands that it has a long-term responsibility and strives to convince and develop mutual understanding by obtaining ready acceptance of attitudes and ideas. It can only succeed if the core policy is ethical and the methods employed are honest. In public relations, the goal can never be achieved by using deceptive, damaging, or dubious methods.

Using public relations strategies to oppose a weak case is impossible. Consider the Watergate affair, which shook the entire world and over which the President of the United States' enormous Public Relations department had little control. Similarly, if a service business, such as a public transportation corporation, does not run its buses properly or on time, no Public Relations method will help to improve the corporation's image in the eyes of the general public - passengers. Or, if a chemical factory's effluents were damaging the environment, do you believe a public relations stunt would assist quell public outrage?

As a result, it is frequently emphasised that excellent public relations, like charity, must begin at home, and that denials never persuade sceptics. As a result, public relations must not only be practical and positive, but also always ethical.

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## 14.4 IMPACT OF PUBLIC RELATIONS ON SOCIETY

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There are no appropriate yardsticks for measuring the impact of public relations. Although the distribution of press releases is a concrete sign, it does not imply that: it has been read by the target audience; it has been understood as wanted by the source; or it has resulted in a change in the receiver's perspective.

Furthermore, it is impossible to view Public Relations results in isolation. There could be other factors at play, for example, a rise in the sale of unsaturated oils could be due to the nonavailability of other vanaspati brands rather than the campaign's outcomes. Again, simply exposing the target audience to ideas on a regular basis will not result in a shift in

mindset. We have drug education programmes, anti-dowry or anti-liquor efforts, and anti-smoking campaigns, yet the problem persists. This is because such 'social engineering efforts,' as they are known, necessitate extensive research into the psyche of the intended audience, as well as higher levels of skill and judgement on the part of the communicator to be able to transmit the necessary messages into the audience's minds in order to effect change. These are some of the issues at hand.

At the same time, we recognise the value of Public Relations' competent mediation and information communication role as a critical societal service. This needs a closer examination of what Public Relations accomplishes or does not accomplish. To see how far Public Relations fulfils its twin job of information and persuasion, we'll start by looking at its dual role of information and persuasion.

### **Role of Public Relations: Information**

One of Public Relations' responsibilities is to keep the public informed. Is it true that public relations helps to inform the public?

A question like this has a lot of facets to it. To begin with, there may be errors in the information that is given out and the information that is withheld. The content, timing of the message, and channel employed might all have ethical implications. Let's have a look at an example. Full and timely financial disclosure is a major responsibility fulfilled on behalf of clients to the investigating public in the field of financial Public Relations. The correctness and truthfulness of these disclosures have an impact on the investing choice. The aspects listed above, such as time, message, and channel, might influence the quality of an investor's choice to purchase or sell a company's stock. This has potential ethical ramifications.

Another point that is frequently criticised is that there is an excessive amount of such material coming from all sides, all of which makes contradictory assertions. This does not assist in the resolution of doubts. Rather, it contributes to the uncertainty by indiscriminately overwhelming communication channels with contradicting messages.

### **Role of Public Relations: Persuasion**

The goal of public relations communication is to change people's minds. This is debatable in and of itself. Is it moral to try to sway public opinion? Don't people have the right to make their own choices?

Examining what Public Relations is all about should provide answers to these issues.

A public relations professional is essentially a supporter of a cause, client, company, or organisation.

In their book "Effective Public Relations," Scott Cutlip and Allen Center define the role of public relations in a free society as "to morally, successfully plead the cause of a client or organisation in the forum of a

public discussion." Every concept, people, or organisation has a basic democratic right to a full and fair hearing in the public forum, and its worth is judged by its capacity to gain acceptance in the marketplace of ideas. Today, an individual concept or institution needs the help of a qualified advocate to get such a hearing. The advocate is necessary for modern democracy to function.

### **In Defence of Public Relations**

As a result, we can see that, while there is the potential for misuse in communication and public relations, and practitioners have been harshly chastised for manipulating others' beliefs, the benefits of this profession to society cannot be overlooked. Public relations has aided businesses in making profits, expanding, providing quality goods to customers and safe working conditions for employees, raising awareness of health and hygiene issues through development assistance, promoting scientific thinking, raising funds for charitable causes, promoting tourism and trade, and increasing our understanding of national and international issues. As a result, the good that Public Relations may accomplish is boundless.

### **Check your Progress**

- 1) Define Ethics
- 2) What is Public Relations?
- 3) What is the impact of public relations in society?

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## **14.5 RELATION BETWEEN ETHICS AND PROFESSIONALISM**

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All authorities have underlined the relevance of ethics in the public relations industry for the reasons stated above. According to Sam Black, a public relations expert from the United Kingdom, "By its very nature, public relations work requires a high level of ethical substance." Cutlip of the United States points out that "adherence to a set of professional norms" is "a basic prerequisite for a profession," and cites the numerous codes of professional standards for Public Relations practise as examples of efforts "to develop the ethics in this industry."

A code of ethics is, in reality, a requirement for all professions. You've almost certainly heard of the "All medical graduates are expected to swear the Hippocratic Oath. Hippocrates, a Greek physician, was the first to liberate medicine from superstitions and witchcraft or magic, and to provide a scientific foundation for the science and art of illness treatment.

This was the event that paved the way for the medical profession to arise.

### **Code of Ethics and Code of Conduct for Public Relations**

You can see why a code of ethics and a code of conduct have been given such great emphasis by all professional Public Relations groups based on what we've mentioned in the preceding sections. A Code of Professional

Standards was formed in 1954 in the United States, where Public Relations originally developed as a profession, and was later amended in 1959, 1963, and 1977 to match the needs of the scenario. The following section of the Public Relations Society of America's code of conduct is listed below. You'll notice how this code is founded on fundamental human rights as well as the individual's worth and dignity. Without such a code, the profession would not have risen to its current prominence in American society.

### **Declaration of Principles**

The Public Relations Society of America's members base their professional values on the fundamental value and dignity of the individual, believing that the free exercise of human rights, particularly freedom of speech, assembly, and press, is crucial to the practise of public relations.

We dedicate ourselves to the goals of improved communication, understanding, and cooperation among the many persons, groups, and institutions of society while serving the interests of our clients and employers.

We pledge to conduct ourselves professionally, with honesty, accuracy, fairness, and public accountability; to improve our individual competence and advance the profession's knowledge and proficiency through ongoing research and education; and to abide by the articles of the Society's Code of Professional Standards for the Practice of Public Relations, as adopted by the Governing Assembly.

### **Articles of the Code**

The Public Relations Society of America has adopted these articles in order to develop and maintain high standards of public service and ethical conduct among its members.

- 1) A member must treat customers or employers fairly, both past and present, as well as fellow practitioners and the wider public.
- 2) A member must behave himself or herself professionally in the public interest.
- 3) A member must be truthful and accurate, as well as adhere to commonly accepted standards of good taste.
- 4) A member shall not represent conflicting or competing interests without the express consent of those involved, given after a full disclosure of the facts; nor shall a member place himself or herself in a position where his or her interests are likely to conflict with a duty to a client, or others, without a full disclosure of such interests to all parties involved.
- 5) A member shall protect the confidence of current and former clients, as well as persons or entities who have disclosed confidences to a member in the context of communication relating to an anticipated professional relationship with such member, and shall not accept retainers or

employment that may entail the disclosure or use of such confidences to the detriment or prejudice of such clients or employers.

6) A member shall not engage in any conduct that tarnishes the integrity of communication channels or the democratic process.

7) A member must not knowingly send inaccurate or misleading information and must take reasonable precautions to prevent communicating such information.

8) A member must be willing to identify the client or employer on whose behalf any public speech is made publicly.

9) A member may not use any individual or organisation ostensibly supporting or representing a proclaimed cause, or ostensibly impartial or unbiased, but in reality serving a concealed special or private interest of a member, client, or employer.

10) A member shall not intentionally harm another practitioner's professional reputation or practise.

If a member has evidence that another member has engaged in unethical, unlawful, or unfair actions, including those in violation of this Code, the member must immediately report the information to the society's proper authorities for action, as outlined in Article of the Bylaws.

11) A member called as a witness in a proceeding to enforce this Code is required to present unless the Judicial Panel grants an exception for good cause.

12) When performing services for a customer or employer, a member may not receive fees, commissions, or any other valuable consideration from anyone other than the client or employer, unless the facts have been fully disclosed.

13) A member cannot ensure that stated results will be achieved outside of his or her direct control.

14) If a member's involvement with any organisation or individual demands activity that is antithetical to the articles of this Code, the member must end the relationship as soon as feasible.

In May of 1955, the International Public Relations Association (IPRA) was founded as a para-national organisation with the goal of improving the professional quality and efficiency of public relations practitioners in various countries. The establishment of a "Code of Conduct" with the goal of setting standards of professional ethics and conduct in the field of public relations for all members of the association globally was an early milestone of the organisation. The IPRA code of conduct has been used to create a variety of codes for national public relations organisations and societies.

In addition, the IPRA Council adopted an International Code of Ethics during its meeting in Athens in 1965. Because of this, the code is commonly referred to as the Athens Code. This is the moral charter of IPRA, and its ideas are based on the United Nations Declaration of Human Rights.

The text of the Athens Code is also provided below. It will offer you an idea of the moral principles that should guide the operations of public relations practitioners around the world.

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## **14.6 ADOPTION OF CODE OF ETHICS IN INDIA**

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People who pretended to be Public Relations Consultants in India in the past were actually fixers and manipulators who engaged in unethical acts in order to win favourable outcomes for their clients from the government or other authorities, or to secure licences for them.

As a result, the first All India Conference of Public Relations Practitioners was compelled to adopt the International Code of Conduct in order to distinguish true PR practitioners from fixers and manipulators. This was a significant step forward in India's professionalisation of public relations.

Following the adoption of the Code of Conduct and Ethics, associations of public relations practitioners around the world monitor their members' actions and deal with any violations of the rules. One of the key functions of the Public Relations Society of India (PRSI) in India is to guarantee that standards are upheld and that the skill and efficiency of the country's public relations practitioners is improved through training, teaching, and research programmes.

### **Check your Progress**

- 1) Discuss PRSA in detail
- 2) Discuss PRSI in detail
- 3) What is the code of standards?

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## **14.7 SUMMARY**

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Studying ethics in public relations in India ensures that PR practitioners perform ethically. PR professionals may promote social responsibility, public trust, and their clients' reputations by practising ethics. Ethics in PR helps professionals avoid legal and financial consequences, sustain professional standards, and promote a more ethical and responsible society. To develop trust and credibility with the public, PR professionals must be ethical. Thus, PR practitioners in India must learn ethics to work with openness, accountability, and honesty.

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## 14.8 QUESTIONS

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1. Describe in detail the ethics in Public Relations.
2. Discuss the impact of Public Relations on society.
3. What is the relationship between social audit and the observance of a Code of Ethics and a Code of Standards?
4. State the code of ethics and code of Public Relations.
5. Discuss the adoption of code of ethics in Public Relations in India.

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## ETHICS IN ADVERTISING

### Unit Structure

- 15.0 Objectives
- 15.1 Introduction
- 15.2 Broadcast Advertising
- 15.2 Outdoor Advertising
- 15.4 Advertising Ethics
- 15.5 ASCI
- 15.6 Advertising Some Products
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### 15.0 OBJECTIVES

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- To introduce you to what is ethical as well as unethical advertising.
- To be able you will be able to differentiate between an advertisement that is ethical and one which is not.
- To get a sound knowledge of broadcast as well as outdoor advertising and will also be qualified to judge what products should be advertised and what should preferably not be advertised.

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### 15.1 INTRODUCTION

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Advertising is a type of commercial communication that is intended to encourage consumers to purchase a certain product or service. It is critical that everything that is advertised in the advertising is accurate. As a result, organisations such as the Federal Trade Commission (FTC) exist to supervise television and radio ads. This ensures that advertising do not make any misleading promises in order to get customers to buy their items.

What is the definition of ethics? Ethics refers to "good behaviour" or "conduct that is appropriate for the culture and historical period." Various forms of behaviour and conduct are seen as "good" or "bad" by popular consensus. To put it another way, ethics are moral principles and ideals that guide an individual group's behaviours and decisions. Ethics is a choice between right and wrong, between good and terrible.

It is regulated by a set of moral rules that apply at a certain time, in a specific location, and in a specific society. Advertising is morally valuable. In advertising communication, the combining of art and facts is governed by ethical considerations. Advertisements must be accurate and ethical in today's competitive and buyer's market. When an advertisement is deceptive, the organization's credibility suffers.

The truth in advertising must be viewed from the consumer's perspective rather than from a legal standpoint. The advertising business has been chastised in the past for making false or exaggerated claims about products, goods, and services.

The ability of mass media to influence and affect society is undeniable. As a result, the use of mass Ethics in Advertising media should be done responsibly and in conformity with court restrictions. This is also true of advertising, which sends out signals to the public and tries to persuade them.

An advertisement's message is no different from news or remarks in the newspaper or a television programme. The level of responsibility demanded of the media should be consistent with ethical principles and within legal bounds.

Advertisers are expected to take on the same level of accountability. The essential values of the advertising industry are based on personal, organisational, and professional ethics.

The conscience of an individual is the primary source of personal ethics. In his own conscience, each advertiser should decide the positive and bad impacts of advertising messages on the social structure and humanity. It is usually easier to discover organisational and professional ethical standards when an advertiser determines his own ethical principles and displays his own ethical norms.

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## 15.2 BROADCAST ADVERTISING

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Broadcast advertising encompasses radio, television, and online advertising. Radio and television commercials are an important aspect of broadcast advertising. The purpose of broadcast advertising is to persuade consumers of the product's benefits. It is regarded as a highly effective advertising medium.

The cost of advertising on any channel is determined by the length of the advertisement and the time it is broadcast. The cost of an ad in the premium slot, for example, will be higher than in any other slot. In comparison to print media, broadcast media such as radio and television reach a larger audience. Radio and television advertising are considered mass marketing since they can reach a national and international audience.

Before a radio commercial sinks into the consciousness of customers, it must be broadcast multiple times. As a result, the ad's frequency is crucial. It's also crucial to consider your target audience. If one wants their

commercials to be successful, they must conduct research on which kind of audiences listen to various channels.

Television commercials are typically associated with large corporations, but small businesses can benefit from them as well. For the commercial to be successful, it must have a great audio and video combo. However, it is equally critical that the audio and video work independently of one another.

If a person is not watching TV but only listens to it, he or she should acquire the notion, and vice versa. The majority of radio and television commercials are paid, while some public service announcements can be broadcast for free. Advertisers are often required to pay for a 40- to 60-second commercial.

Advertising agencies now create radio and television commercials for their clients. They recognise the client's needs and create commercials that reflect the present situation. In recent years, broadcast advertising has become a critical component of marketing. Companies set aside a specified budget for radio and television advertisements and estimate how much money they can gain from these mediums.

Marketing consultants, for example, are employed to estimate the return on investment for radio and television advertisements. These businesses' marketing consultants may run trial ads to gauge their appeal among viewers.

The Internet or the World Wide Web is used in Internet or online advertising to encourage customers to buy products and services. Ads on search engine result pages, rich media ads, banner ads, social network advertising, and email marketing are all examples of this type of advertising. One of the advantages of online advertising is the instant publication of the commercial as well as the availability of the commercial to a global audience. However, there are some drawbacks to the positives.

Advertisers nowadays use distracting flashing banners or bulk email spam campaigns to reach a large number of individuals. This can irritate customers, and even legitimate advertisements may be overlooked as a result. Broadcast advertising is now an integral aspect of any advertising campaign, regardless of the manner of distribution. As a result, for advertising to be successful, it must adhere to high ethical standards.

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### **15.3 OUTDOOR ADVERTISING**

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Through highway billboards, transit posters, and other forms of outdoor advertising, the message is communicated to the wider public. Outdoor advertising is particularly significant because the advertisements are large and visible to everyone. The most crucial aspect of advertising is that the message communicated be succinct and to the point. Images can be used; however they should not be used excessively. Everything should be presented in such a way that the viewer can decide whether or not to purchase the goods or service.

The message to be sent could be an advertisement for a product, a trip, voting for a politician, or a charitable donation. According to a recent poll conducted in Delhi this year, outdoor advertising costs millions of rupees each year, and the figures are anticipated to rise. This is due to the fact that outside traffic continues to rise year after year, resulting in an ever-increasing target audience for outdoor advertising.

Despite the fact that print and newspaper advertising account for a significant portion of an advertising budget, outdoor advertising is distinct in its own right. It is a very cost-effective advertising strategy. All you have to do now is create a billboard and have it produced. In contrast to television advertising, where a whole 40-second advertisement must be designed, ethics in advertising requires only a few minutes of work. If outdoor advertisements are correctly positioned, they can provide significant exposure at a low cost. As a result, outdoor advertising is relatively economical.

Outdoor advertising is used in a variety of ways by different businesses. Highway billboards, for example, are used by eating places and eateries on the highway to entice customers to stop for a food and a rest. McDonalds and Subway are great instances of this. Billboards are used by the automobile and tourism businesses to promote their products and tourism programmes. These are also quite successful since people on the highway are looking for this type of information.

Aside from billboards, there are various other types of outdoor advertising that can be used. Beverage businesses, for example, use athletic events and arenas to promote their products. Coca-Cola, for example, was a FIFA World Cup sponsor. Taxis, buses, trains, subways, and walls with murals are some places where you can see outdoor advertising. All of these methods of outdoor advertising are extremely popular and cost-effective.

### **Check your Progress**

- 1) What is the importance of outdoor advertising?
- 2) What is broadcast advertising?
- 3) Give some examples of advertisements that you have recently seen and analyse them.

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## **15.4 ADVERTISING ETHICS**

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A system of moral rules that regulate a person's behaviour or how an activity is carried out is referred to as ethics. Advertising, on the other hand, refers to a method of communication between a vendor and a buyer.

As a result, advertising ethics refers to a set of well-defined standards that govern the methods in which the vendor and the buyer communicate. The most significant aspect of the advertising industry is its ethics. While advertising has numerous advantages, it also has some aspects that violate advertising's ethical standards.

An ethical advertisement is one that does not lie, makes no false or fictitious promises, and is within the bounds of decency. Nowadays, advertisements are more overdone, with a lot of puffery. A promotional remark or assertion that communicates subjective rather than objective opinions is known as puffery. Puffery portrays an inflated version of the marketed product. These opinions should not be taken literally. Advertisers are sometimes unaware of ethical norms and ideals. They just do not comprehend and are unable to distinguish between what is correct and what is incorrect.

Advertisers' primary goal is to improve sales, get new customers, and increase demand for their product by displaying well-designed and colourful commercials. They say that their product is the best since it has more distinctive traits than the competition, is more cost effective, and has more benefits. However, many of these advertisements have been shown to be fraudulent and immoral.

They are just used to deceive buyers. The best examples of these types of advertising are those that include children's munchies. These commercials employ bright colours and glossy visuals to make the product appear appealing to people watching the commercials on television and persuade them to buy the goods without considering the nutritional content of the meal being displayed.

Ethics is also influenced by one's beliefs. Advertisers who believe that their customers will understand, think about, and act on their commercials will have favourable outcomes, and the advertisement will not be considered immoral. However, if advertisers believe that by portraying absurd things like "simply tapping your fingers will make your home or workplace fully equipped" or "only buying a lottery ticket would make you a millionaire," they will be engaging in unethical advertising.

### **Moral Principles**

Advertisements should adhere to three moral principles: honesty, social responsibility, and respect for human dignity.

**Honesty and Truthfulness:** Advertisements should not abuse consumers' trust or take advantage of their lack of experience or understanding. The aspects that influence a consumer's buying decision should be presented to them in an ethically sound manner.

Advertisements should always be truthful and should not contain any deceptive statements. Expressions, sounds, and pictures that may mislead consumers by providing incorrect information, generating ambiguity, or claiming excessive messages should not be utilised in commercials. The principles of honesty and sincerity are extremely important in advertising because consumers expect brands to be trustworthy. Abusing the trust of consumers will harm a brand's image and reputation.

Advertisements shall not send out any messages that promote discrimination on the basis of race, nationality, religion, sex, age, social

and economic status, or disability. They should also not jeopardise human dignity in any way.

Advertisements should not exploit people's suffering, appear to condone or inspire violence, or appear to condone or incite violence. Advertisers are reminded of their social responsibilities by ethical principles, which emphasise that they do more than sell goods or services; they also safeguard society. In recent years, the number of applications on digital media platforms has expanded, and many of these applications have begun to annoy customers.

In this regard, several practises have increased in popularity, such as sending unwanted e-mails and adding customers' names on marketing lists. These must be strictly controlled.

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## 15.5 ASCI

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The Advertising Standards Council of India (ASCI) was established in India to ensure advertising ethics. Its principal goal is to maintain and strengthen the public's trust in advertising. The ASCI ensures that all advertising adhere to some fundamental principles, such as truthful portrayals.

This means that the advertisements should send a clear and honest message to customers and even competition. Advertisements should also adhere to generally accepted public decency and propriety standards and be non-offensive to the general public. Advertisements should not be used indiscriminately to promote things that are potentially detrimental to society or individuals. Advertisements should not contain any plagiarism, which means they should be unique in terms of creativity and topic matter.

Advertisers are encouraged to run commercials that promote safe practises, such as wearing helmets, wearing seatbelts when driving, not using cell phones while driving, and so on, according to the ASCI.

The educational sector is another area that need continual monitoring these days.

Education has evolved into a major commercial activity in recent years, with educational institutions spending significant sums of money to promote their educational programmes. These must be closely watched to ensure that parents are not duped when selecting an educational programme for their children.

Food and beverages are another sector that must be closely monitored. Advertisements that promote a healthy, well-balanced diet and decent eating habits while emphasising proper physical activity can have a favourable impact. As a result, only healthy foods should be advertised, not those that include significant amounts of fat, salt, sugar, or other substances that may be damaging to the consumers' health.

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## 15.6 ADVERTISING SOME PRODUCTS

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Pharmaceutical advertising aids in the dissemination of information about new drugs and other cutting-edge medical procedures. However, there are some situations with which one must use extreme caution. Advertisers show what the pharmaceutical can heal but never mention the drug's negative effects or the hazards associated with its use. This should be checked, and the product's benefits and drawbacks should be communicated. Additionally, medication corporations do not promote their most affordable drugs.

The more expensive ones are promoted. If you promote the benefits of your treatment, you must also disclose any substantial dangers or side effects, according to ethical advertising. Recently, it was discovered that a new weight-loss medicine had to include a disclaimer. The treatment performed wonders, but the manufacturer was required to disclose the drug's negative side effects.

Many advertisers mistakenly believe that women and children have the ability to persuade purchasers. As a result, they indiscriminately employ them in their commercials. However, when using children in advertisements, advertisers should remember not to show them unattended, doing their own work, such as brushing their teeth, playing with toys, or infants holding their own milk bottles, because no one would leave their child unattended while doing any of these activities.

It will be more sensible to depict parents participating in all activities or goods advertised. Women, on the other hand, have been mostly exploited for the purpose of advertising things in which they have no involvement. For example, commercials for vehicles or other unrelated products frequently feature scantily clad women endorsing them. This is a serious infringement of women's rights that should be investigated.

Alcohol, cigarettes, and tobacco should never be advertised because their intake causes cancer and other serious health problems. Advertisements like these are already prohibited in India, Norway, Thailand, Finland, and Singapore. However, a worrying tendency is gaining traction in India these days. In their marketing, liquor businesses are promoting mineral water or sodas under the same brand name. These ads are known as surrogate advertisements, and they are completely immoral because they are essentially marketing alcohol under the guise of water/soda.

Advertisements for social causes are ethical and well-received by the public, and they should be broadcast regularly to guide society toward progressive change. Advertisers spend a lot of time attempting to predict what their target consumers desire and how they will react. Many times their efforts pay off, but occasionally the commercials they create are absolutely immoral and in poor taste.

Considering all of these factors, advertisers should begin to self-regulate their commercials by:



- Creating self-regulatory rules in their companies based on ethical values, truth, decency, and legal considerations.
- Keeping track of their advertising activity and eliminating any ads that do not adhere to the guidelines.
- Informing customers about their company's self-regulatory codes.
- Paying attention to consumer complaints about product ads
- Ensuring that the company and its systems are transparent.

If all of the above ideas are executed, the company will be held accountable for all of its activities, reducing the risks of being caught out by critics or other regulatory bodies. Customers will be more likely to trust the firm and the goods as a result of this.

### Check your Progress

- 1) What are advertising ethics
- 2) What Is ASCI?
- 3) What are the three moral principles of advertising?

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## 15.7 SUMMARY

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In India, where advertising shapes consumer behaviour, beliefs, and attitudes, ethics in advertising is crucial. Ethics in advertising helps advertisers be accountable, responsible, and transparent, benefiting society and people. Ethics in Advertising helps professionals comprehend their ethical boundaries and the principles that should govern their decision-making, fostering social responsibility and discouraging the propagation of damaging or unethical practices. Advertisers must avoid deception and promote ethical products and services. Advertisers may improve their brand reputation and help India's advertising business by prioritising ethics. Thus, India's advertising sector must promote social responsibility and ethical behaviour through prioritising ethics in advertising.

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## 15.8 QUESTIONS

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1. What is advertising? How would you define broadcast advertising?
2. Outdoor advertising is both an effective way to advertise as well as cost effective. Do you agree?
3. What is ethical advertising? How is it different from unethical advertising?
4. What role does the ASCI play as far as Indian advertising is concerned?
5. What are some products that need constant supervision while advertising?

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