

# Analysis of Current Issues for

# ETHICS & INTEGRITY

## GS Paper IV IAS MAINS

Courtesy:

**Ajit Kumar Jha,**  
a St. Stephens Alumnus

**Issues Covered :**  
CAA, COVID-19,  
COP-25 Madrid,  
Nirbhaya Justice,  
Hyderabad Encounter,  
Sabarimala ,  
& others.



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Corporate  
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## ***HOW THIS BOOK HELPS YOU***

Ethical discussions form the core of GSM IV- ETHICS, INTEGRITY AND APTITUDE. Current happenings around us— social, political, economic or other in nature— very often throw ethical questions for intellectual pondering. These are questions a right thinking Civil Services officer ought to understand well and look to answer suitably, using the powers vested in their position.

The author of bestseller *The epitome of Ethics, Integrity and Aptitude*, Ajit Kumar Jha, is a voice of repute on Ethics. He has a degree in Philosophy from St Stephens College, Delhi University and years of experience as a scholar and writer of considerable renown. He developed a special interest in Ethics and Logic, while studying Philosophy and became an integral part of the Philosophy Discussion Group in the college, where he presented several papers on ethics. He has contributed to several international online journals and has presented several research papers in national and international seminars

**This E-book provides some burning ethical issues facing contemporary Indian society. What is your take on them? Try discussing/answering these issues/questions as you would in GSM IV paper to express your personal views. (See Contents on the next Page)**

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## Analysis of Current Issues for Ethics and Integrity

### 1. Do you think that the Citizenship Amendment Act discriminates or violates the right to equality?

**Expert's take:** Right to equality enshrined in the constitution of India proclaims that the state shall not discriminate on the grounds of religion, sex, place of birth etc. This is an ethical intent of the constitution makers applicable to the citizens of India. However, a major charge against the Citizenship Amendment Act is that it falls short of the ethics of equality or equal treatment in granting citizenship to the refugees of our neighbouring countries who have been the victims of persecution, since Muslims have been excluded from its ambit. The reasons cited are (i) Muslims being in a majority in their countries of origin; and (ii) security concerns especially in context of the alleged links of the Rohingya refugees from Myanmar with Pak-based terror groups and ISIS.

The ethical question, therefore, boils down to: whether the State is justified in unequal treatment in this context? Let us examine the issue from the Utilitarian and Deontological ethical contexts.

The Utilitarian Principle or consequentialism is based on the theory of the greatest good or the greatest happiness to the greatest number.

From the Utilitarian lens, religious minorities of neighboring countries of Bangladesh, Pakistan, and Afghanistan seek refuge and citizenship in India in a larger number than the religious majority community in these nations. Therefore, from the Utilitarian perspective, this step is ethical. Also, the criticism of unequal treatment is invalid because the equal treatment clause applies to the citizens of India, while the refugees are not the citizens of India.

Deontological ethics is often associated with the Kantian ethics. Unlike consequentialism, deontology refrains from weighing costs and benefits. Let us therefore apply the rules formulated by Kant or categorical imperatives to judge the ethicality of an action: The first maxim claims: "Act only on that maxim through which you can at the same time will that it should become a universal law [of nature]." The question to ask here is would we want a universal law that proclaims: In matters of granting citizenship, the religion of an individual should be the sole criteria provided that particular religion is facing persecution? If our answer is no, then the action of the government in Citizenship Amendment Bill is unethical. If our answer is yes, then this is an ethical step.

Kant's second Maxim claims: "So act as to treat humanity, both in your own person, and in the person of every other, always at the same time as an end, never simply as a means." Here we may ask, whether refugees seeking citizenship have been treated as a means to an end or an end in itself. If refugees have been granted citizenship purely on humanitarian ground and not as vote bank politics, then it is an ethical step. From facts and circumstances, it is clear that religious minorities have sought citizenship in India for a long time now.

## 2. Digital India aspirations versus ethics of Internet shutdowns.

**Expert's take:** India, the world's largest democracy, continues to normalize shutting down internet and suspending mobile communications for tens of millions of citizens in the country to thwart protests.

This is quite in contrast to digital India aspirations.

Digital technology can help India realise the ambition of creating a just and equitable society. It can help propel India to the front rank of nations, particularly leveraging the energies of the country's youthful population, with its propensity for quick adaptation and frugal innovation.

Where do we find the balance between the two?

The Constitution of India provides the right of freedom, given in article 19 with the view of guaranteeing individual rights that were considered vital by the framers of the constitution. The right to freedom in Article 19 guarantees the freedom of speech and expression, as one of its six freedoms.

However, Government can impose different restriction on the freedom of speech and expression based on its nature, common restrictions on speech relate to libel, slander, sedition, incitement, slangs, obscenity, pornography, classified information, copyright violation, trade secrets, non-disclosure agreements, right to privacy etc.

It is noted that the restrictions on internet by the government of India in recent months have been more due to political reasons than constitutional requirements in the interest of the state.

In a recent judgement relating to restriction on freedom of speech and expression in Jammu and Kashmir, the Supreme Court said internet access was integral to freedom of expression as guaranteed by the Constitution, upheld the right of citizens to dissent peacefully and declared that governments should ensure the press is allowed to do its job freely.

### 3. Arvind Kejriwal 3.0: Explore the ethical angle in a historic electoral victory

**Expert's take:** In today's politics, ethics have vanished. Instead of debating issues in the public speeches, the leaders of today call each other names, they try to drag the personal weaknesses of each other out in the public. Arvind Kejriwal was surely an exception this time. Despite personal attacks, he refrained from name calling. The ethical dictum of "do unto others, as you would have them do unto you" certainly does not seem to play out in the dirty world of politics.

Arvind Kejriwal on the whole subscribed to pro-poor policies which has been spectacularly missing in recent polls in a world where capitalism is riding on the wave of globalization/

Nonetheless, the opposition accused him of joining the camp of terrorists, anti-nationals and Pakistan. Unfortunately, these accusations expose the unethical attitude of the opposition that can go to any unethical extent to win the election. The fact is when you try to influence the public opinion through false accusations of your opponent, there is much that you need to answer. Arvind Kejriwal may certainly not be an epitome of virtue as he allegedly spends millions in refurbishing his image as a virtuous politician.

What Arvind Kejriwal needs to answer is whether he himself is harming the state with his populist policies. The money for the implementation of these policies has to come from the tax burden imposed on people. Unless, Arvind Kejriwal works out a credible policy that is a win-win solution for people and the state, his ethical credentials may be doubtful. He may in that case come out as the worst unethical case scenario where the larger interest of the state and the nation is sacrificed for personal ambition in an ethically repugnant manner.



#### 4. Coronavirus disease (COVID-19): Politics over Ethics.

*Expert's take:* Coronavirus epidemic raises several ethical questions:

It is known from the SARS epidemic that using wild animals for food may promote the spread of the virus to people. Why did the Chinese authorities continue permitting markets and restaurants to provide food from wild animals? Should traditional cultural customs be changed to prevent future epidemics? Should the temporary ban on wild animal trade be permanent?

As early as November 2019, some patients in Wuhan were detected with an unidentified pneumonia-like illness. Why didn't the local health officials report these cases to the centre for disease control and try to isolate the pathogen from the biological samples of these patients and identify its nature?

Why, at the beginning of the epidemic, did the Wuhan Health Commission characterize the infection as mild, treatable, and under control? Why did the commission say, without adequate supporting evidence, that there was no transmission from human to human?

Was the information about the epidemic disclosed to the Chinese public and international community adequate, complete, and faithful, without any cover-up?

Are the cases of isolation and quarantine that are in effect ethically justifiable and proportionate? Do these interventions minimize the infringement upon individual freedom?

Isolation treatment unavoidably leads to the shortage of drugs, equipment, and medical staff. How do we ensure equitable access to and fair allocation of these resources?

Which interventions should we take to effectively prevent and fight discrimination against the people from Wuhan or those infected with the virus?

Do medical staff have a moral responsibility to treat patients infected with the virus? Do health administrative departments and the government have a responsibility to provide extra support to medical staff who stick to their posts?

It is hoped that China will learn from the latest Coronavirus epidemic and will reform policy and law to improve transparency, release accurate and timely updates, and address the many ethical questions that an epidemic raises to prove that Hegel is not all correct to say: "We can learn a little bit from history after paying extraordinarily great and painful costs."

## 5. COP 25, Madrid: Discuss the failed commitments and ethical issues concerning developed nations.

**Expert's take:** The final fact and the bitter truth is that the just concluded 25th Conference of Parties (COP 25) to the UN Framework Convention on Climate Change (UNFCCC) held in Madrid failed. More than 25,000 people attended this longest ever UN climate change conference and ended up with more animosity between countries than ever before. Most disconcerting about the failed talks is the petty issues on which the dispute happened.

In a nutshell, the COP 25 at Madrid failed because few developed countries wanted to do as little as possible, and few developing countries were interested in making quick money from the carbon market. When millions of people are suffering due to global warming every year, including in India, the dispute over a few billions of dollars is nothing but petty and insensitive. This is the crux of the problem with the current negotiations—they are petty and inconsiderate. Every country is looking at its narrow economic gains in climate negotiations. Worst still, they view the talks as a zero-sum game.

It is clear that in a rapidly warming world, the interest of countries and the interest of the planet are two sides of the same coin. Climate crisis makes it incumbent on countries to cooperate and work together to reduce emissions, and not focus on their petty self-interests. But, this can only happen if the climate change negotiations move from being viewed as a zero-sum game to a positive-sum game. At the UNFCCC, this is not possible; the politics is just too toxic. We should, therefore, seriously think about abandoning UNFCCC and creating multi-sectoral, multi-regional platforms to cooperate on climate change. Without this, we are doomed.

## 6. Nirbhaya convicts: the ethics of delayed justice and convicts' legal rights/reprieves.

**Expert's take:** The civilized nations including India follow the rule of law and safeguard human rights. However, this often results in the ethical dilemma of having to delay justice to be meted out to the convicts much against the public sentiment.

The Nirbhaya case clearly shows that legal loopholes can be used in favour of criminals waiting on the death row to delay justice as long as possible. In, this case, the date of execution, first fixed for January 22 in Tihar jail, was later postponed to 6 am on February 1 by a January 17 court order. The trial court on January 31 stayed "till further orders" execution of the four convicts in the case, who are lodged in Tihar Jail.

According to fairness in justice, the convicts can apply for mercy petition and even if the mercy petition is rejected, the convicts of the same crime cannot be executed on different dates. The court has to ensure that the convicts use the provisions of law for remedies available to them.

The question here is not of ethics as much as of the loophole in the system. The question of ethics applies to the bigger picture of whether unfair advantage accrues to the convicts in the name of fair due process of law. While the court is compelled to abide by the due process of law, the executive would be keen to ensure death penalty to the convicts, at the earliest possible. Let us also not forget that the court is the protector of the constitution and the law and it cannot take any arbitrary decision at the behest of the executive or the solicitor general. Solicitor General Tushar Mehta, who is appearing for the Ministry of Home Affairs, has argued that the four convicts have made deliberate attempts to cause a delay. Tushar Mehta said that convict Pawan Gupta not filing a curative or mercy petition is a deliberate and calculated inaction.

## 7. Absence of ethics or decency in politics is equally a matter of corruption. Do you agree or not?

**Expert's take:** The prevention of corruption Act (1988) defines corruption in monetary or pecuniary considerations. However, this would be a narrow definition of corruption. According to a leading financial organization, Investopedia, "Corruption is dishonest behaviour by those in positions of power, such as managers or government officials. Corruption can include giving or accepting bribes or inappropriate gifts, double-dealing, under-the-table transactions, manipulating elections, diverting funds, laundering money and defrauding investors."

Let us next understand what the implication of ethical or non-ethical conduct in public life actually amounts to? There are a set of foundational values well accepted in the public life. These universal values include Integrity, Impartiality, Political Neutrality, Objectivity, Empathy, Tolerance, and Compassion. It is evident, absence of ethics and decency in politics is a clear deviation from these values. The broader definition of corruption includes actions like defrauding investors, laundering money, diversion of funds, and manipulation of elections. These are unethical acts because they deviate from the universal values identified above. In addition, they fall under the ambit of the broader definition of corruption.

The political leadership, whether in power or outside the power-domain, is perhaps the single most potent influence on the mores and values of citizens; The rulers do rule the minds, but in a democracy particularly, all political parties, pressure groups and the media also influence the orientation and attitudes on moral questions. If politicians act as authentic examples of integrity, as happens in the Scandinavian countries; or, as examples of gross self-interest, as found in most South Asian countries, the administrative system cannot remain immune to the levels of political morality.

Therefore, absence of ethics or decency in politics is equally a matter of corruption in its worst form because the corrupt political leaders corrupt the civil servants and society at large.



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Written by **Ajit Kumar Jha**, a St. Stephen's Alumnus

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Written by **Ajit Kumar Jha**, who studied philosophy in St Stephens College, Delhi. He developed a special interest in Ethics and Logic, while studying philosophy and became an integral part of the Philosophy Discussion Group in the college, where he presented several papers on ethics.

**8. Do you think the police action in the Hyderabad encounter case is “justice delivered”?**

**Expert's take:** This question has two aspects – (i) whether justice was delivered (ii) whether the procedure of justice was followed? Justice is said to have been served or done in a modern civilized state when proper punishment or fair trial is given by the legal system. However, in this case, the accused was killed prematurely before he could be brought to the legal system. Therefore, in this case, neither the justice was delivered nor the procedure followed.

Each officer takes an oath to uphold the law and to defend an individual's constitutional rights. One of the ethical issues that an officer faces daily is the ability to uphold these oaths when they are seemingly against the public sentiment. The legal system is too protracted and time consuming from apprehension to conviction and eventual delivery of justice. The officers are the victims of people's ire and as such the officers are under tremendous pressure to perform which compels police officers to act in the best interest of the State rather than the individual.

One of the ethical issues officers are faced with is the requirement to act impartially. This idealistic type of oath causes a host of problems in real-world situations. It's not always possible to act impartially, especially for local and small-town officers who handle the same crowds of people throughout their career. A real-world example of this would be the officers handling the Hyderabad encounter case.

While this case is ethically wrong, a majority of the people in the civil society perceive it as “justice delivered”. Nevertheless, the officers must face the legal consequences of their action.

**9. Despite not having sufficient numbers, do you think the Shiv Sena-NCP-Congress alliance had the “moral right” to form government in Maharashtra?**

**Expert's take:** On 4<sup>th</sup> November, 1948, Ambedkar quoted the words of the classicist George Grote: “The diffusion of ‘constitutional morality’, not merely among the majority of any community, but throughout the whole is the indispensable condition of a government at once free and peaceable; since even any powerful and obstinate minority may render the working of a free institution impracticable, without being strong enough to conquer ascendance for themselves.”

The constitutional morality is thus an essential condition for the working of the constitution. In the present case, we note that while the letter of the constitution has been followed, its spirit has been broken at the altar of expediency or the *realpolitik*. This certainly indicates the lowering of moral standard in politics which is a dangerous trend because political leaders influence the masses with their values and moral standards. Therefore, it should not be surprising that the moral standards of the civil society are a correct indicator of the moral standards of the representatives of the civil society.

Let us briefly discuss the notion of morality as applicable to this particular political situation in Maharashtra.

Morals are the prevailing standards of behavior that enable people to live cooperatively in groups. Moral refers to what societies sanction as right and acceptable. Further, while some moral principles, such as fairness, seem to transcend time and culture, generally speaking, morality is not fixed. Morality describes the particular values of a specific group at a specific point in time. Historically, morality has been closely connected to religious traditions, but today its significance is equally important to the secular world. In other words, immorality is starker in a group where morality is followed. The Indian politics is not recognized currently as being guided and upheld by moral codes. It is quite likely that a code of morality for the politicians to follow in public might have addressed these issues.

**10. A person who deposits his/ her hard-earned money in a bank is clueless about the bank being hit by frauds. Can the state distance itself if the bank fails?**

*Expert's take:* Under the constitutional and legal provisions, the State is bound to protect life, liberty and property of the citizens. However, the recent banking crisis in Maharashtra raises doubts on the capacity of the government to fulfill its prime responsibility.

In addition, the Centre's proposed Financial Resolution and Deposit Insurance Bill (FRDI), which is aimed at plugging bankruptcies in the financial services sector, includes a special provision which by definition allows the affected banks to use depositors' money to absorb some of the losses. This proposal even if framed into a law raises certain deep rooted ethical questions as follows: (i) Is it ethically permissible for the State to take people's money directly from the bank? (ii) Does the State have a moral right to make a law in this respect?

There are two opposing views on these issues. The first is that the State has the moral and ethical right to claim from people everything including their life and property, while the second, that the State comes into existence as a result of its contract with the people which gives the latter certain inalienable rights such as the right to life and property, in addition to other rights and responsibilities. The first is the example of a totalitarian State while the second, that of a democratic State.

When a bank is hit hard by frauds, the State has to take remedial measures along with the assurance that no financial suffering would come to the citizen on this account. This is the minimal ethical expectation from a moral State. However, when the State is totalitarian or its economy is complete laissez-faire, it can absolve itself from the moral responsibility. In a laissez-faire economy, the State takes no guarantees of the property on private enterprises. In contrast, in a democratic country like India, the State through its Constitution and the legal framework takes the guarantee of individual economic welfare.

Therefore, the State cannot distance itself if a bank fails. There is no difference between a citizen being robbed or cheated and the citizens being cheated or robbed due to the failure of a bank. It is the moral obligation of the State to compensate the citizens in any crime against them.



**11. The right to privacy is being systematically violated by governments that are engaged in surveillance of their political opponents. Explain.**

*Expert's take:* Right to privacy is more of a legal concept than an ethical concept. Nonetheless, the concept of privacy is a widely accepted legal and moral notion but has uncertain legal and philosophical foundations.

In the judgment of the Supreme Court, the right to privacy has been read in two posts of the Constitution: Article 21 (Right to life and liberty), and Part III (Chapter on Fundamental Rights) of the Constitution. This means that any limitation on the right in the form of reasonable restrictions must not only satisfy the tests evolved under Article 21, but where loss of privacy leads to infringement on other rights, such as chilling effects of surveillance on free speech, a constitutional framework now exists for these cases to be heard within.

In contrast to India, right to privacy is widely acknowledged and well-supported in the United States. Many familiar legal and ethical arguments pivot on an appeal to the right to privacy. A charge that a government, a corporation, or an individual has invaded someone's privacy is regarded as a serious matter. The concept of privacy seems so obvious, so basic, and so much a part of American values, that there may seem to be little room for any philosophical misgivings about it. However, substantial philosophical controversy about the nature of privacy exists. The philosophical debate focuses largely on two major questions: What is privacy? And can the right to privacy be ethically justified? The problem here is that privacy is nowhere explicitly mentioned in the Constitution of India.

In 2017, the Indian Supreme Court ruled that the Indian Constitution guarantees a right to privacy. Unfortunately in India, there is neither a data protection act nor a data protection agency. In January 2018, news broke that access to the details such as names, addresses, and photos of 1.3 billion records on the UIDAI database were being sold for 500 rupees (USD 8).

After the Supreme Court verdict, the position on this account is as follows:

- The right to privacy can be restricted by procedure established by law and this procedure would have to be just, fair and reasonable (Maneka Gandhi v. Union of India);
- Reasonable restrictions can be imposed on the right to privacy in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence; (Article 19(2) of the Constitution of India, 1950)

- The right to privacy can be restricted if there is an important countervailing interest which is superior to it (Govind v. State of M.P.);
- The right to privacy can be restricted if there is a compelling state interest to be served (Govind v. State of M.P.);
- The protection available under the right to privacy may not be available to a person who voluntarily introduces him- or herself into controversy (R. adijagopal v. Union of India).

With these restrictions, it is clear that government is increasingly turning into a Surveillance State. While it is important that moral and ethical considerations alone should be enough of a deterrence for a moral State, it is clear that nothing short of a data protection act and a data protection agency in India should be framed as soon as possible to counter the encroachment of the government in what may be considered as the private domain.

## 12. How far are Gandhi and his principles relevant in today's world?

**Expert's take:** Gandhi is more relevant today than any time before. It is unfortunate that on the contrary, India is forgetting the Gandhian values and principles. Let us see how Gandhian principles can be applied in the current day to solve some of the challenging issues. Gandhi advocated communal harmony based on the principle of diversity. Today, the social fabric of India is being torn apart. The principle of sarvodaya encompasses the ethics of development and upliftment. This principle would not only put an end to disharmony but would also solve the problem of poverty and unemployment. Gandhi advocated cottage and village industries for self sufficiency at the village level. This would at once check not only rural to urban migration but also provide employment to all.

Gandhi's theory of non-violence could not have been more relevant today when students movement in India is increasingly becoming violent. The power of non-violence can easily move the mightiest power to undo wrongs as it did during Gandhi's time.

In real world, Gandhi was a politician, a shrewd politician, who was trying to bring peace and harmony to India on the one hand, and trying to win her independence on the other. For Gandhi, it was very important that the process of change be ethical, nonviolent and democratic, giving rights to all minorities. In this respect, he resembles the Buddha for whom the noble eightfold path was the goal and essence of life.

One would wonder, what may be the relevance of Gandhi in this all-pervading materialistic, agnostic and consumerist culture? What is the significance of Gandhi to the modern world and what is the secret of his success? Gandhi has been a great light for the Tibetan leader Dalai Lama who puts Gandhi's success in right perspective. He said, "Many ancient Indian masters have preached ahimsa, non-violence as a philosophy. That was mere philosophical understanding. But Mahatma Gandhi, in this twentieth century, produced a very sophisticated approach because he implemented that very noble philosophy of ahimsa in modern politics, and he succeeded. That is a very great thing."

**13. Internet is a fundamental right as it allows for free expression and free access to information. How do you see it in Kashmir scenario after revocation of its special status?**

*Expert's take:* The Indian Constitution grants freedom of expression subject to certain restrictions or conditions. In other words, freedom of expression is not untrammelled. At the same time, freedom of free expression should not violate the right and dignity of others nor should it endanger the security of the State.

Nonetheless, Internet challenges the right to freedom of expression. On the one hand, Internet empowers freedom of expression by providing individuals with new means of expressions. On the other hand, the free flow of information has raised the call for content regulation, not least to restrict minors' access to potentially harmful information.

The question to ask is how far is it ethical to curb the freedom of expression in Kashmir? While curbing freedom of expression is ethical in the interest of the state, where should be draw the line when it begins to become unethical and arbitrary? A reasonable time bound restriction is in the best interest of the people and the state but when this restriction prolongs for too long, it is bound to raise difficult questions on the ethicality of this restriction? So, the question is how long is too long. This question may not be easy to answer. It may be difficult to decide the reasonable time frame in the absence of any objective data, which may itself be impossible to come by in a region where the freedom of expression is restricted.

However, a state is a moral entity so long as it works in the interest of the people, we may ask, is the state working in the interest of the people? Has the government created conditions for the smooth functioning of the state so that the restriction imposed can be lifted? In other words, if the State intends to lift the restriction by creating conditions for freedom of speech, the state is a moral state and its action is ethical.

#### 14. Do you think electoral bonds have brought in honest money in electoral politics?

**Expert's take:** Let us understand the concept of electoral bonds to understand this issue. Before the introduction of electoral bonds, the money involved in electoral politics was not transparent. The funding could not be scrutinized as a rule. This affected the politics in several ways including the promotion of black money and direct or indirect benefits to the financiers.

However, after the introduction of electoral bonds an attempt was made towards honest money since bonds purchased has to be in the public domain. In addition, this form of donation is also accountable financially.

The introduction of electoral bonds was therefore an ethical approach to electoral politics. In other words right means was applied towards right ends. Nevertheless, the question that critics are asking is whether this has brought in the desired result. The answer to this question depends on available facts and figures which is currently in the realm of speculation. Yet, there is little doubt that electoral bonds have become a major source of political funding, if not the sole source.

If political parties receive funds from illegitimate source as well as the legitimate one, this could be seen as the problem of the funding mechanism. However, this argument alone does not make the electoral bonds defective, not at least ethically. The question to ask then should be if the current mechanism of political funding has loopholes. It may have loopholes to the extent that it may not have completely stopped the use of black money in politics.

Yet, it is to be hoped that the role of black money is diminished to a great extent in politics, not just because of electoral bonds but a set of other mechanisms in the financial sector introduced recently such as restriction on the use of currency beyond a certain amount without the mediation of banks or the financial sector and several other changes in the financial accounting practices.

**15. If farmers do not burn the residue, wheat sowing will be delayed and that will ultimately affect the yield. How do you see this justification against a backdrop of severe pollution levels in north India?**

*Expert's take:* The dilemma in this case is not even a dilemma. It is not the either-or choice between two evils or between lesser crop yield and pollution. If there was a real choice between the two, it would have been actually a difficult dilemma to resolve because we need both food and air free of pollutants.

There are several causes of pollution out of which one or even a major one is burning of paddy stubble. It is only rational and prudent that stubble should not be burnt. The argument in favour of residue burning is a weak argument because it is not a do or die question. That is to say, it is not that the farmers will die if they do not burn the residue but our environment will certainly be unlivable and kill a large number of people, if the residue is burnt.

Therefore, the actual question comes down to, what should be the best approach to dispose of the residue. There may be several methods, in fact, and not unsurprisingly burning is the least effective and the most harmful method, which should be rejected forthright in the interest of the common and universal good.

Of the several other methods, the method that yields value out of residues without any harmful effect should be preferred. Residues can be recycled to produce fuel or other products that can yield value to us.

Therefore, in this case, the most ethical method is also the economically most viable method which should be preferred.

**16. Right of women devotees to enter Sabarimala. Discuss the ethical angle.**

**Expert's take:** This question brings out the conflict between (i) faith and tradition on one hand; and (ii) the ethics of equality on the other. The principle of equality including gender equality is the most celebrated and also the most ethical fundamental notion which is unquestionable even from the perspective of divinity, understood not to discriminate between its children.

However, the counter argument claims that the feelings and emotions of orthodox devotees held on to a tradition for thousands of years should not be hurt for several reasons including (i) tradition being one among the several sources of law and (ii) there being a divine appeal in upholding the tradition.

This is not for the first time that the issue of conflict between divine and rationality has emerged. There have been a large number of instances when the Church has had to bow down to the appeal of reason or rationality. In fact, the first schism in Christian faith resulted out of this conflict leading to the emergence of Protestantism. Moreover, the Catholic Church has itself over the years honourably changed its earlier stances under the impact of the changing times, despite burning the rationalists at stakes. Thus, the Catholic Church today accepts that earth is not the centre of the universe and that the theory evolution is the reality of the world we have.

In India, too, several religiously sanctioned laws were transformed under the impact of rationalism and ethical concerns, such as consigning a widow to the flames, child marriage, widow remarriage, untouchability among several more.

In the Sabarimala case too, the ethics of equality ought to prevail because that is the most obvious, the most rational, and the most progressive step to take.

**17. In the context of JNU fee hike, should education be made accessible to the poor or should it be the preserve of the rich?**

**Expert's take:** Right to education is fundamental right because other than food and clothing, education is the most basic human want. A State that restricts education to the rich is not a moral State. Two fundamental questions emerge in this context: (i) Do we see education as a necessity? (ii) Do we see education as a segmented product inequitably accessible?

The Constitution of India recognizes basic education as a basic necessity. To this end, the Government of India has made provisions for free and even compulsory education up to the age of 14.

However, we may want to know what the government's policy on higher education is. In capitalist countries, higher education is a form of commodity to be purchased at differential pricing, which is an investment in accessing/reaping greater rewards. Therefore, the cost of education in these countries is steep even in government sponsored institutions.

The Government of India policy on this issue is not very clear. However, after the liberalization era of 1991, it is becoming increasingly obvious that the Government of India has forsaken its path of mixed economy and is now rapidly moving towards the model of capitalist economy. The subsidies are now increasingly being slashed including subsidized education.

If that is the case, the critics would like to see this market model as heartless and ruthless; and devoid of ethics for its neglect of poor. The point to ponder then is whether that really is the case. The State being a moral agent cannot afford to neglect its poor. There are funding opportunities for the poor but meritorious students in the West as well as in India, in addition to a large number of freeships and scholarships. However, given the resource crunch in India, a large number of meritorious but deserving poor lose the opportunity of education at the higher level. To the extent that deserving poor miss out on the opportunity for higher education, the blame lies entirely on the State and to that extent, the State can be said to commit an unpardonable crime of depriving the deserving poor of the educational opportunity. Hence, it is indeed an unethical neglect by the State.