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## Revolutionary Effects Of Legal Regulations On Ethical Values In Society

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### Abstract:

Law and ethics are two intertwined yet distinct frameworks that guide human behavior in society. While law represents a formal system of rules and regulations enforced by governing bodies to maintain order and justice, ethics embodies moral principles that govern individual and collective conduct. Law provides a clear, codified structure to address disputes and enforce accountability, whereas ethics deals with the subjective notions of right and wrong, which may vary across cultures and contexts.

The relationship between law and ethics is dynamic. Ethical principles often shape the foundation of laws, as seen in areas such as human rights, environmental protection, and corporate governance. However, not all ethical norms are codified into law, and not all laws align with universally accepted ethical standards. This divergence can lead to conflicts, particularly in cases where legal compliance contradicts personal or societal ethical beliefs.

**Key words:** Legal Regulations as a Reflection of Ethical Standards, Evolution, empowerment of Girl Child, Eliminating of gender inequality, Environmental protection, Challenges, Conclusion.

### Introduction

Social change is a change in the norms and conducts of the people towards society. Since the inception of the society, society decides what to do (goodness, dharma, or satya) and what not to do (evil, adharma or asatya). This rule still exists, and shall continue till the end of the civilization. Earlier, society was customarily based on the morals. But, as soon as society is replaced by the State, morality too gets replaced by the law. If we want to change any existing custom or behaviour in society, it should be changed by the instrument of law only and not otherwise.

Legal regulations often serve as the backbone of societal order, embodying not only rules and restrictions but also the ethical standards that a society upholds. The relationship between legal regulations and ethics is complex and dynamic; it demonstrates how laws can reflect the moral compass of a society and even help shape it. Understanding this relationship is essential, as it reveals why societies make certain actions legally mandatory, permissible, or punishable, thereby affirming and promoting shared values. In this project, I explore how legal regulations are shaped by ethical standards, illustrate examples where laws have evolved to reflect shifting societal morals, and consider the ongoing dialogue between law and ethics.

### ❖ Legal Regulations as a Reflection of Ethical Standards

In many ways, laws are an institutionalized expression of ethical values that are widely accepted within a society. They serve as a formal mechanism for enforcing standards of behavior that people generally agree are right, fair, or just. **For example**, laws against murder, theft, and assault are rooted in a moral consensus that such actions are wrong and harmful to individuals and society at large. By criminalizing these actions, legal regulations reinforce the ethical standard that human life and property must be respected and protected.

In addition to prohibiting harmful actions, laws also often mandate behaviors that promote the common good, which is another aspect of ethical values. Regulations that require businesses to maintain health and safety standards, for instance, reflect society's ethical commitment to protect individuals from preventable harm. Such laws create a minimum level of accountability and ensure that businesses act responsibly in a way that aligns with public interests.

#### ❖ **The Evolution of Legal Regulations in Response to Ethical Shifts**

The relationship between law and ethics is not static; it evolves as societal values change over time. This evolution can be seen in various social issues, such as civil rights, gender equality, and environmental protection. For instance, in the United States, civil rights laws in the 1960s marked a major shift in legal regulations to reflect the ethical belief in racial equality and justice. This change was driven by a growing societal consensus that racial discrimination was morally wrong, leading to landmark legislation like the Civil Rights Act of 1964, which outlawed discrimination based on race, color, religion, sex, or national origin.

**For Example** Constitution and religion, the constitution prohibits any discrimination on the ground of religion and grant freedom of religion as fundamental rights under **part III (art 25 to 28. to 28)**, no discrimination on the ground of religion. **Article 14** of the Constitution prohibits the State from discriminating on the ground of religion while making any law. **Article 15** prohibits the State from any discrimination on the ground of religion in the public places and educational institutions. Similarly, **Article 16** prohibits discrimination of any opportunity of employment or promotion. According to **Article 23(2)**, State may impose compulsory service for public purpose, but cannot discriminate on the ground of religion. **Article 29(2)** states that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.<sup>1</sup> In this way by giving importance to the ethics law maintain the rule law in the country.

#### ❖ **Special empowerment of Girl Child:**

All forms of discrimination against the girl child and violation of her rights shall be eliminated by undertaking strong measures both one of her rights punitive within and outside the family. These would relate specifically to strict enforcement of laws against prenatal sex selection and the practices of female foeticide, female infanticide, child marriage, child abuse, child prostitution and child labour, etc.

The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PCPNDT Act) was introduced to regulate the use of pre-natal diagnostic techniques

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<sup>1</sup> Malik and Raval, 'Law and social Transformation' Allahabad law Agency, 4<sup>th</sup> ed.,70

for detecting genetic and metabolic disorders, chromosomal abnormalities, certain congenital mal-formations and/or sex linked disorders. The person who contravenes the provisions of this Act is punishable with imprisonment and fine. **Section 27** of this Act states that every offence under this Act shall be cognizable, non-bailable, and non-compoundable.<sup>2</sup>

The Supreme Court rejected the contention to demand separate educational institutions for the children of persons in **prostitution** and appointed a committee headed by Mr. Mahajan to look into the magnitude of the problem.<sup>3</sup> In its report, the Committee found that a large number of persons in prostitution were children. After referring the Report, the Supreme Court in its significant judgement has issued the directions for protection of women from prostitution and rehabilitation of their children."<sup>4</sup>

❖ **Eliminating of gender inequality:**

Similarly, the feminist movement brought attention to the ethical issue of gender equality, leading to the development of laws addressing workplace discrimination, domestic violence, and reproductive rights. These changes in legal regulation demonstrate how, as ethical awareness grows within society, laws often adapt to reflect these new understandings and values. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles of State Policy. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.

**The Supreme Court** also held Central Government Service Rules unconstitutional, which provides that "no married women shall be entitled as of right to be appointed to the said service" being violative of Article 14 and Article 16 of the constitution.<sup>5</sup> In another case, the Supreme Court held Air India Regulation unconstitutional, as being discriminative against women. This regulation provides that "an air-hostess could not get married before completing four years of service. If, she gets married before completing four years of service, she had to resign and after reaching the age of 23 years, if, she continues her service as a married woman, then she had to resign on becoming pregnant."<sup>6</sup>

**Environmental protection offers another example.** The rise of environmental awareness in recent decades has led to a shift in both ethical attitudes and legal regulations regarding the planet's well-being. Laws like the Clean Air Act and the Endangered Species Act were enacted in response to an ethical commitment to protect the environment and ensure sustainable living for

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<sup>2</sup> Section 27 The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PCPNDT Act)

<sup>3</sup> Gaurav Jain v. Union of India, AIR 1990 SC 292.

<sup>4</sup> Gaurav Jain v. Union of India, AIR 1997 SC 3021: (1997) 8 SCC 114.

<sup>5</sup> C.B. Muthamma v. Union of India, (1979) 4 SCC 260

<sup>6</sup> Air India v. Nargesh Mirza, (1981) 4 SCC 335 and Mrs. Neera Mathur v. L.I.C., AIR 1992 SC 392.

future generations. This reflects a moral shift towards recognizing the intrinsic value of nature and humanity's responsibility to protect it.

*M. C. Mehta Ganga Pollution Case*<sup>7</sup>, *Taj Mahal Pollution Case*,<sup>8</sup> *Bhopal gas Disaster case*<sup>9</sup>

Ganga is a cross-border river that passes through India and Bangladesh. It is one of the Hindus' most holy rivers and a lifeline for a billion Indians living along its course. Kanpur is one of the most populated cities along its course. This city has an estimated population of approx. (2.9 million) 29.2 lakhs. At this juncture of its course, Ganga receives large quantities of toxic waste from the domestic and industrial sectors of the city, particularly Kanpur's leather tanneries. M.C.Mehta, an advocate of the Supreme Court, filed a writ petition in 1985 under Article 32 of the Constitution to close down Kanpur tanneries which were discharging effluents beyond the permissible limits into the river Ganga.

The Taj Mahal, one of India's most iconic Mughal structures, is situated within the Taj Trapezium zone, a 10,400 sq. km area designed to protect it from pollution. After noticing the discolouration of the Taj Mahal's white marble during a visit in 1984, Mehta filed a petition in the Supreme Court.

The Oleum Gas Leak Case took place between MC Mehta and Union of India in 1985, one year after the Bhopal Gas tragedy. Mehta argued that Shriram Industries, which was situated in a densely populated area in Delhi, should be closed after it leaked petroleum gas on 4th and 6th December.

#### ❖ Challenges in Aligning Legal Regulations with Ethical Standards

Despite these examples, aligning legal regulations with ethical standards is not always straightforward. In pluralistic societies, people often hold diverse beliefs, making it challenging to create laws that everyone views as ethical. For instance, debates around issues like abortion, capital punishment, and drug legalization reveal how complex ethical differences can lead to significant legal and political tensions. In such cases, laws may reflect a compromise or the prevailing majority view rather than a universally accepted ethical standard.

Additionally, ethical standards can sometimes change faster than laws, leading to outdated or even unjust legal regulations. **For example**, laws that criminalized homosexuality persisted in many parts of the world long after societal attitudes had shifted toward acceptance and equal rights for LGBTQ+ individuals. This lag between ethical progress and legal reform highlights the need for an adaptable legal system that can respond to evolving social values. Some of leading cases as under-

*Navtej Singh Johar & Ors. v. Union of India*<sup>10</sup>- Decriminalised all consensual sex among adults, including homosexual sex by scrapping down section 377 of the Indian penal code (IPC). The

<sup>7</sup> AIR 1988 SC 1037;(1987) 4 SCC 463

<sup>8</sup> AIR 1997 2 SCC 353.

<sup>9</sup> AIR 1988 SC 1531.

<sup>10</sup> AIR 2018 SC 4321, (2018) 10 SCC 1

court ruled that LGBTQ community are equal citizens and underlined that there cannot be discrimination in law based on sexual orientation and gender.

*NALSA v Union of India*<sup>11</sup> - The court upheld the right of transgender persons to decide their gender. It also directed the Centre and state governments to grant legal recognition to their gender identity such as male, female or the third gender. It also directed the Centre and state governments to grant legal recognition to their gender identity such as male, female or the third gender.

*KS Puttaswamy v Union of India*<sup>12</sup> - Recognized the right to privacy as a fundamental right under the Constitution.

*Shakti Vahini v Union of India*<sup>13</sup> - Recognized the right to choose a life partner as a fundamental right. The right to choose life partner have sanction of the constitutional law under Articles 19 and 21.

### **The Role of Law in Shaping Ethical Standards**

While laws often reflect societal ethics, they can also play an active role in shaping them. Legal regulations can act as a form of moral guidance, promoting ethical behaviors and fostering a culture of accountability and respect. **For example**, anti-smoking laws, mandatory seat belt laws under MV Act and recycling regulations have encouraged individuals to adopt behaviors that are not only legally compliant but also socially responsible. In this way, laws serve an educational purpose, helping to cultivate new ethical norms over time.

Moreover, by enforcing certain ethical standards, laws can gradually influence public opinion. Anti-discrimination laws, for instance, have helped to normalize inclusivity and equality, even in communities where prejudice once prevailed. This demonstrates how legal regulations not only reflect but can also drive ethical progress, guiding society toward higher standards of fairness, justice, and respect for others.

### **Conclusion**

In summary, legal regulations serve as both a reflection of and an influence on ethical standards within a society. They institutionalize widely accepted moral values, adapting over time to address shifts in ethical understanding and responding to evolving social needs. While challenges remain in aligning legal regulations with diverse ethical beliefs, laws continue to serve as a crucial mechanism for promoting ethical standards and shaping societal behavior. Ultimately, the relationship between law and ethics is a reciprocal one: as laws embody society's values, they also work to foster a culture that upholds and respects those values. Through this dynamic interplay, legal regulations contribute to building a society that values justice, equity, and the common good.

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<sup>11</sup> (2014) 5 SCC 438

<sup>12</sup> (2017) 10 SCC 1.

<sup>13</sup> AIR 2018 SUPREME COURT 1601