PROFESSIONAL ETHICS

INCLUDES HUMAN VALUES

Second Edition

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Features of

Hi, we are Ethica and Ethicus and we would like to take you through this book.

Ethicus, why don't you start by telling them about your 'Ethically speaking' section?

Sure. In 'Ethically speaking', I narrate a story and seek answers from you to some ethical questions based on the story.

Rajani Salve worked as a stenographer in a software company. She was
member of her family and lived with her parents and two younger siblings.
peon in an office and did not earm much.

Her siblings were in school and had constant demands for paper and stationery. The con
worked for had a policy that one cannot use office stationery and the office telephone for p

Under immense stress to make both ends meet, Rajani used to take notepads, paper,

We also have exhibits in the text that provide additional information pertaining to the issues discussed in each chapter.

EXHIBIT 5.3

Freak Air Accident

A rather unfortunate and strange ai
to the Concorde flight operated by A
(Charles de Gaulle International Airpo
(John F. Kennedy International Airpo
The flight was chartered by a Germa
passengers were going to New York C
flight to take a fortnight cruise to Sout
crashed, with a very high casualty figu

Ethica has been regularly reading newspapers to come up with one real life incident per chapter and some questions based on that. See if you can answer the questions in the 'What do you think?' section.

Many scientific developments and technological innovations
They are meant to make life easier and help us do things that are otherwise
impossible to know or do without such innovations. All technological innova
because many such innovations can be abused, creating a threat to the very

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the Book

There are also some thought-provoking and interesting illustrations in all the chapters.

'...Sir, I have changed the figures wherever required. It is all matching now. We are ready for the inspection...'

We also have some exercises for you.

REVIEW QUESTIONS

1. List the major problems in environmental ethics. As an individual, list the steps that you can take to save the environment.
2. You are the owner of an electroplating unit. The effluent from your factory is toxic and can harm the general public. The treating of the effluent is a costly process and

GROUP EXERCISES

1. The Aarushi murder case has attracted a lot of media attention. This relates to th murder of a young school-going girl, Aarushi, daughter of doctors Nupur Talwa

Appendix at the end of the book gives some practical tasks that can be given to the students for independent and group work.

Practical Tasks

APPENDIX

The following are some suggested practical exercises that may be given to students durir course of instruction in the subject of Professional Ethics and Human Values. All the act

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Preface to the Second Edition

It was gratifying to note the overwhelming response from teachers and students to the first edition of the book *Professional Ethics*. The format and detailing of the content found wide appreciation from the academic fraternity. Based on the feedback from the users of the book, it has been revised. It gives me great pleasure to present the second edition of the book.

It is also satisfying to see that many more universities have introduced the course in their undergraduate programmes and more and more universities are expected to follow. The second edition has been revised for a better understanding of the concepts and principles with many more examples. A need was also felt to suggest strategies and methods to impart instruction in the subject. As an essential component of the teaching strategy, practical tasks have been suggested which the teachers may use while teaching the course.

About the Book

Professional Ethics is a textbook designed for students pursuing professional courses such as engineering or management and is written in an easy-to-understand manner with plenty of case studies to instil in students the need to follow ethical principles in life.

The curricula prescribed for the subject by universities vary markedly in content and emphasis. Therefore, even though the content is not organized according to a prescribed syllabus, all that is essential has been covered in this book. The presentation and organization of topics is such that any instructor taking up this course for the first time would be able to easily follow the flow of the book. The book provides examples from a wide spectrum of professions, which would stimulate thinking and help internalize the value systems and ethical behaviour that is expected of a professional.

Two characters, Ethicus and Ethica, feature in the book at the beginning and end of each chapter. Ethicus, in the beginning of the chapter, presents a hypothetical story in a section titled 'Ethically Speaking' and seeks readers' opinions on a few questions based on the story. Ethica, in a section titled 'What do you Think?', presents recent real-life stories and attempts to ruffle the readers with commonly faced ethical dilemmas.

Besides this, there are thought-provoking illustrations and numerous exhibits in the chapters to support the text. At the end of the chapters, individual and group exercises have been provided, which instructors may use for group discussions in the class. Review questions have been provided for each chapter so that students can evaluate themselves. Multiple choice questions have been included at the end of all chapters to enhance learning.

New to the Second Edition

While keeping the essential features intact, new content, examples, and exercises have been added in the second edition.

- Multiple choice questions are now added as a part of the chapter-end exercises.

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- New content is available in almost all the chapters; social ethics, social media, SWOT analysis, and disaster management now find specific detailing in addition to additional examples in all the chapters.
- Content in many chapters are expanded to make the concepts clearer and for a pragmatic approach to the issues involved.
- The Appendix at the end of the book gives some practical tasks that can be given to the students as independent and group work.

Content and Coverage

Chapter 1 deals with basic terminologies and elementary principles to understand what follows in the ensuing chapters. The chapter outlines the moral and ethical thoughts of many thinkers from the past and from many cultures around the world.

Chapter 2 details the attributes of professionals and professionalism, and the social impact of professions. Whatever profession we are in, we have a social responsibility related to that profession.

Chapter 3 discusses the basic ethical theories. While it is realized that students should be more aware of and informed about applied ethics rather than ethical philosophy, a brief treatment of ethical theories is considered important. Beginning with moral development theories, the chapter goes on to discuss the many ethical theories propounded by thinkers.

Chapter 4 provides an understanding of applied ethics related to the engineering profession. There are innumerable fields and it is not possible to cover all of them. Some major ethical problems of current interest are discussed. Some others are covered in the subsequent chapters.

Chapter 5 looks at a major ethical concern—safety in the engineering profession. Many case studies from India and abroad are presented to give a clear picture of the ethical issues confronting the engineering professional.

Chapter 6 emphasizes the responsibilities and rights of professionals as citizens of the country they live in and also in relation to their profession.

Chapter 7 discusses issues of current interest focusing on ethical issues arising out of globalization. The ethical issues related to business, environment, media, computers, war, research, and bioethics are discussed to give a basic understanding about the major ethical concerns of the present day. The chapter also discusses intellectual property rights, another major ethical issue.

Chapter 8 explains ethical codes. A number of codes of professional engineering organizations are presented. For the purpose of comparison, references to codes from medical, legal, and advertising professions are also given along with the codes of some corporate entities, which can be accessed from the websites provided.

Chapter 9 presents a new concept, ethics audit. While a few ethical indices have been developed, the concept of ethical audit, per se, has not found much recognition. The chapter outlines this concept, explaining the procedure with examples. The Good Corporation Standard is provided to give an idea about the ethics audit parameters of business entities.

Chapter 10 deals with two other important concepts—values and attitudes. The concept and classification of values as given by social psychologists are discussed. The concept of attitudes and their importance is also discussed.

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Chapter 11 talks about the need for ethical living. Beginning with the needs theories of Maslow, the ERG theory, and other similar thoughts on needs, philosophical ideas from many philosophers and thinkers are presented. The need, the importance, and the method to achieve ethical living are discussed.

Every effort has been made to make the book instructor- and student-friendly. I hope many other universities introduce this course in their curriculum and instructors take it upon themselves to ensure that each student passing out from their institute is an ethical citizen.

Online Resources

To aid the faculty and students using this book, additional resources are available at www.india.oup.com/orcs/9780199475070.

For Faculty

- Guidelines to Instructors
- Chapter-wise PowerPoint Presentations
- Additional 10 Case Studies with Questions for Classroom Discussion
- Additional Readings

For Students

Additional Readings, which includes the following:

1. A Copy of the Trips Agreement
2. A List of Declaration of Responsibilities and Human Duties
3. Disaster Management
4. Life Skill Frameworks
5. Three Mile Island Accident
6. Chernobyl and Fukushima Nuclear Disasters
7. Policy Framework for Disaster Management
8. UNESCO Declaration on Bioethics and Human Rights

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Acknowledgements

It is hoped that the second edition of the book will be found more useful by the academic fraternity and will receive encouraging response from them.

I am grateful to the editorial team at OUP India for bringing out the second edition in a very elegant and readable format. I am also grateful to the many users who gave a detailed review of the book. Any suggestions for the improvement of the book are welcome. Please write to the publishers or the author at rsmani2k@yahoo.com with suggestions for improvement.

R. Subramanian

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Preface to the First Edition

The social fabric of our country is under great stress and appears to be at a breaking point. While exploding population, pseudo-religious fanaticism, poverty, absence of real freedom, failure of the law and order machinery, ineffective justice system, and many other factors can be used to explain the current pathetic state of our society, a simple over-riding factor is the moral and ethical vacuum clearly discernible in societal interactions. This calls for an action plan, essentially directed towards the younger generation, to sensitize them about long-cherished value systems that can alone ensure stability and prosperity to the society.

The failure of a generation to set examples and create social norms to secure the future of the society is clearly visible today. Making amends to this would be a long and laborious process. The next generation to take up the reins of the future needs to be aware of the dangers of continuing in the same vein. We need to inculcate in them value systems that are inevitable for the survival and future of the society. The practise of moral values and ethics is not just an abstract fad but a social necessity. Professionals from different walks of life have a greater responsibility to undertake corrective action. Professional ethics, inculcated and practised, can go a long way in setting things right. For this reason, it is also important that students who pass out from engineering, management, and other professional institutes are sensitized to societal issues and made aware of moral and social values. They also need to be prepared to face ethical dilemmas in their professional lives.

Although it is heartening to note that certain universities offer a course on ethics, it is hoped that more universities will follow suit, not only to help students understand the theoretical aspects of the subject, but also to imbibe and internalize the values that are so important for ethical behaviour in society including workplaces.

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Praise for the First Edition

'After browsing through the book, I find it extremely well written. The style of writing the book is highly creative and extraordinary. Not only that, the content covered on the subject of "Ethics" presents a picture of totality, not only restricted to professional ethics and its application to the job of engineers but all the basic theories and background knowledge that helps the reader in thorough understanding of the subject. Alongside the text on the subject, you have provided a sort of manual for teachers and students that will complement the effective teaching–learning process.'

–Dr M.M. Malhotra, Ex-Principal of NITTTR Chandigarh

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Ethical Codes

8

We are given a code to live our lives by. We don't always follow it, but it is still there.

– Gary Oldman

Learning Objectives

After reading this chapter, you will be able to

- appreciate the importance of ethical codes
- state the role of ethical codes
- understand and interpret ethical codes
- state the limitations of ethical codes

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Ashok Jaiswal was the administrative officer in a company. He lived with his parents. His father owned a stationery shop that supplied stationery to government departments and retail outlets. The family was doing reasonably well with the earnings from two members.

As the administrative officer, it was Ashok's duty to purchase a large amount of stationery. Being a private company, they did not go through elaborate procedures to purchase stationery items. The company policy was to purchase good items from reliable suppliers for use by the staff. The company did not want to go in for invitation of quotes from different vendors and select the lowest bidder as it would have been a time-consuming process. The total value of the stationery purchases was also not very high, compared to the total purchase made by the company.

Ashok used to inform his father of the items and the quantities required for the company. He used to place orders with his father's firm for most of the purchases. The rates quoted by his father's firm were not abnormally high when compared to the market rates. In this way, he managed to give his father a lot of business. He also used to give a few trivial purchase orders to other firms as well.

Ethicus wants your opinion on the following:

1. Was Ashok right in informing his father of the purchases to be made?
2. Do you see any conflict of interest in purchasing items from a firm owned by an employee's relative?
3. In any case, the company was not losing much money as the rates quoted by his father's firm were also reasonable. How ethical do you think this was?

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INTRODUCTION

As discussed in Chapter 2, the functioning of a professional is governed by the rules and regulations stipulated by a professional society, of which the individual is a member. These rules and regulations are not intended to curtail the freedom of thought and action of the individual, but are meant to ensure proper and ethical actions by the members. For this purpose, professional societies formulate ethical codes that are expected to be followed by all professionals. These codes are profession-specific. Thus, medical professionals are governed by codes evolved by medical associations, engineering professionals are covered by codes set by engineering societies, and so on. Where professionals are to be registered with the society for practising the profession, violation of the codes can result in de-registration of the member. The codes are guidelines for the members to follow, and inform them of their rights and responsibilities.

In the following sections, we will discuss the codes for engineering professionals. To facilitate the understanding of these codes, a comparison and contrast with the codes in other professions is also given. Finally, we look at some of the codes for the professional conduct of corporate bodies.

NEED FOR ETHICAL CODES

Ethical codes have been present from the early days, in one form or the other. All professionals are members of professional bodies, either by mandatory registration or otherwise. In India, medical and legal professionals are compulsorily required to register themselves with a mandated professional body before they can practise the profession. In engineering, there is no such professional body with which engineers have to be registered before entering the profession.

What are the objectives or purposes of ethical codes? The following are some of the positive aspects that the codes provide to professional engineers and the profession itself.

Codes act as guides for ethical functioning The code of ethics of professional societies act as guides for an engineer to perform his/her professional duties. Most codes talk of public good, honesty and integrity, rules and regulations of the country, etc. The decisions and actions of engineers can be guided by these codes.

Codes enhance the image of the profession For a professional society, having a carefully drawn ethical code is not only necessary to regulate the members' conduct, but also to enhance the image of the profession and the group forming the society. Public image is important to claim more autonomy and self-regulatory powers and to prevent government regulations that may not be in their interest.

Codes support professionals to fight against unethical acts When an engineer enters the profession, it is very likely that he/she may face a moral dilemma, something he/she feels is not right. If the engineer has to raise his/her voice against such ethical aberrations, he/she needs some support to justify why he/she chooses to do so. Ethical codes can provide the engineer with the necessary support to fight against unethical acts.

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Codes help in grooming future professionals Nowadays, most engineering curricula have a course on ethics. It may be a compulsory course, an elective course, or a non-credit course. There is now an increased realization to introduce a course on ethics. As part of this course, students learn about the code of ethics and their duties. This generally helps in grooming a group of professionals who are aware of their responsibilities and rights.

Codes generally promote ethical business A professional who is aware of the code of ethics has a better chance of promoting ethics in business. Today, most companies have a code of ethics for their employees. An ethical climate should permeate all the business activities. Codes can help in promoting ethical businesses and also show that ethics in business is not a constraint, but rather promotes the business.

Codes provide deterrence to unethical conduct Many codes provide deterrent actions and punishment for unethical conduct. However, it is not very explicit in engineering codes. The code of the Indian Medical Association (IMA) has a separate chapter on deterrents. Deterrents are a necessary part of the codes. Even if registration and membership is not mandatory for practising the profession, as in engineering, the termination of membership and the subsequent publicity itself can act as deterrents.

Codes can create an ethical climate When a group is governed by the same code of conduct, it can promote cooperation and focus on common issues. This helps in the enhancement of an ethical climate in the profession as a whole.

Codes are developed by experienced professionals in the respective areas. Engineering codes are developed by experienced engineers and approved by the professional body. To that extent, an ethical code is only a sort of self-regulatory mechanism. A group of professionals decide on the rules of conduct based on ethical principles. All contingencies cannot be anticipated at any point in time. Codes are thus dynamic and undergo changes from time to time.

Most professional bodies also have committees, like the ethical review committees, to interpret the provisions of the code in case of any dispute. Before discussing the development of ethical codes, we will look at samples of codes from a variety of organizations to get an idea about how codes are developed and implemented.

SAMPLE CODES

Let us look at some sample codes to learn about the rules of professional conduct and the limits placed on professional activities. All the sample codes are taken from the websites of the respective professional associations. One feature of the engineering codes, which makes them different from other professions, such as medicine and law, is that engineers are not required to register themselves with national or state bodies for practising the profession. Membership of professional bodies is not mandatory. However, membership of many professional bodies adds prestige to the professional. Five sample codes are presented.

Institute of Electrical and Electronics Engineers*

The Institute of Electrical and Electronics Engineers (IEEE) is the world's largest professional association dedicated to advancing technological innovation and excellence for the benefit

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'... I swear that I will never drink Gipsi or allow any of my family members to drink Gipsi...'

Mocha gipsy

of humanity. The IEEE and its members inspire a global community through IEEE's highly cited publications, conferences, technology standards, and professional and educational activities.

The IEEE was formed by the merger of two professional bodies of electrical and electronic engineers. The American Institute of Electrical Engineers (AIEE) was formed in 1884 by a group of engineers. The main objective was to support professionals and to help them in their efforts to innovate and apply the innovations for the benefit of humanity. In 1912, with the advent of wireless and radio, the Institute of Radio Engineers (IRE) was formed. This professional body was formed essentially on the lines of AIEE and had the objective of promoting innovations in radio and then electronics. In 1963, these two professional bodies merged to form the IEEE with a membership of 150,000.

The IEEE remains the largest professional body of engineers with 395,000 members. The society promotes advancement in the field of electrical engineering and electronics by its worldwide network of branches, publications, and conferences.

Code of Ethics

The code of ethics of the IEEE, as available today, is as follows:

'We, the members of the IEEE, in recognition of the importance of our technologies in affecting the quality of life throughout the world, and in accepting a personal obligation to our profession, its members and the communities we serve, do hereby commit ourselves to the highest ethical and professional conduct and agree:

- to accept responsibility in making decisions consistent with the safety, health, and welfare of the public, and to disclose promptly factors that might endanger the public or the environment;
- to avoid real or perceived conflicts of interest whenever possible, and to disclose them to affected parties when they do exist;
- to be honest and realistic in stating claims or estimates based on available data;
- to reject bribery in all its forms;
- to improve the understanding of technology, its appropriate application, and potential consequences;
- to maintain and improve our technical competence and to undertake technological tasks for others only if qualified by training or experience, or after full disclosure of pertinent limitations;
- to seek, accept, and offer honest criticism of technical work, to acknowledge and correct errors, and to credit properly the contributions of others;
- to treat fairly all persons regardless of such factors as race, religion, gender, disability, age, or national origin;

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- to avoid injuring others, their property, reputation, or employment by false or malicious action;
- to assist colleagues and co-workers in their professional development and to support them in following this code of ethics.'

Observations

After going through the code of the IEEE, you will observe the following:

- The code is very concise and contains only 10 clauses.
- In this code also there is no mention of whistle-blowing rights.
- The fundamental principle of public safety and welfare is mentioned.
- It reads more like a pledge taken by members of the society.
- There are no deterrents, penalty clauses, or review procedures mentioned as in other professional codes.

Exhibit 8.1 is the Geneva Declaration related to the medical profession by the World Medical Association.

EXHIBIT 8.1

Geneva Declaration

- I solemnly pledge to consecrate my life to the service of humanity;
- I will give to my teachers the respect and gratitude that is their due;
- I will practice my profession with conscience and dignity;
- The health of my patient will be my first consideration;
- I will respect the secrets that are confided in me, even after the patient has died;
- I will maintain by all the means in my power, the honour and the noble traditions of the medical profession;
- My colleagues will be my sisters and brothers;
- I will not permit considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing or any other factor to intervene between my duty and my patient;
- I will maintain the utmost respect for human life;
- I will not use my medical knowledge to violate human rights and civil liberties, even under threat;
- I make these promises solemnly, freely and upon my honor

National Society for Professional Engineers (USA)*

The National Society of Professional Engineers (NSPE) is the national society of engineering professionals from all disciplines that promotes the ethical and competent practice of engineering, promotes licensure, and enhances the image and well-being of its members. Founded in 1934, NSPE serves over 54,000 members and the public through 53 state and territorial societies and more than 500 chapters.

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct

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and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behaviour that requires adherence to the highest principles of ethical conduct.

Fundamental Canons

Engineers, in the fulfilment of their professional duties, shall

- hold paramount the safety, health, and welfare of the public.
- perform services only in areas of their competence.
- issue public statements only in an objective and truthful manner.
- act for each employer or client as faithful agents or trustees.
- avoid deceptive acts.
- conduct themselves honourably, responsibly, ethically, and lawfully so as to enhance the honour, reputation, and usefulness of the profession.

Rules of Practice

- Engineers shall hold paramount the safety, health, and welfare of the public.
  - If engineers' judgement is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
  - Engineers shall approve only those engineering documents that are in conformity with applicable standards.
  - Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this code.
  - Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
  - Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
  - Engineers having knowledge of any alleged violation of this code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
- Engineers shall perform services only in the areas of their competence.
  - Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
  - Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
  - Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
- Engineers shall issue public statements only in an objective and truthful manner.
  - Engineers shall be objective and truthful in professional reports, statements, or testimony.

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They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
  - Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
  - Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
  - Engineers shall act for each employer or client as faithful agents or trustees.
  - Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
  - Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
  - Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
  - Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
  - Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
- Engineers shall avoid deceptive acts.
  - Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
  - Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

Exhibit 8.2 gives the code of conduct developed by IFRC for their workers and volunteers involved in relief work.

EXHIBIT 8.2

Principles of Conduct for the International Red Cross and Red Crescent Movement

1. The humanitarian imperative comes first.
2. Aid is given regardless of the race, creed, or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.

(Contd)

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EXHIBIT 8.2 *(Contd)*

3. Aid will not be used to further a particular political or religious standpoint.
4. We shall endeavour not to act as instruments of government foreign policy.
5. We shall respect culture and custom.
6. We shall attempt to build disaster response on local capacities.
7. Ways shall be found to involve programme beneficiaries in the management of relief aid.
8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.
9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources.
10. In our information, publicity and advertising activities, we shall recognize disaster victims as dignified human beings, not hopeless objects.

Professional Obligations

- Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
  - Engineers shall acknowledge their errors and shall not distort or alter the facts.
  - Engineers shall advise their clients or employers when they believe a project will not be successful.
  - Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
  - Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
  - Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
- Engineers shall at all times strive to serve the public interest.
  - Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
  - Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
  - Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
  - Engineers are encouraged to adhere to the principles of sustainable development1 in order to protect the environment for future generations.
- Engineers shall avoid all conduct or practice that deceives the public.
  - Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
  - Consistent with the foregoing, engineers may advertise for recruitment of personnel.
  - Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

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- Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
  - Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
  - Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
- Engineers shall not be influenced in their professional duties by conflicting interests.
  - Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
  - Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
- Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
  - Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
  - Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
  - Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
- Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
  - Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
  - Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
  - Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
- Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
  - Engineers shall conform with state registration laws in the practice of engineering.
  - Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
- Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

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- Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
- Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
- Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
- Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
- Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

Board of Ethical Review

The Board of Ethical Review (BER) is a panel of engineering ethics experts that has served as the profession's guide through ethical dilemmas. The board consists of seven licensed members who are appointed by the NSPE president. The purpose of the BER is to render impartial opinions pertaining to the interpretation of the NSPE code of ethics, develop materials, and conduct studies relating to the ethics of the engineering profession.

The engineering profession's emphasis on ethics dates back to the end of the nineteenth century. In 1946, NSPE released its Canons of Ethics for Engineers and Rules of Professional Conduct, which evolved to the current code of ethics, adopted in 1964. While these statements of general principles served as a guide, many engineers requested interpretations of how the code would apply to specific circumstances. These requests ultimately led to the creation of the BER in 1954. Cases in ethics rarely have easy answers, but the BER's nearly 500 advisory opinions have helped bring clarity to the ethical issues that engineers face daily.

Since 1954, the BER and its work have evolved with the profession. In the early years, there was an emphasis on advertising and competitive bidding, self-promotion, collective bargaining, and supplanting. However, as a result of changes in the law, especially antitrust laws and commercial-free speech laws, the emphasis shifted to professional competence issues, such as the signing and sealing of work, whistle-blowing, conflicts of interest, and the engineer's obligation to protect the public health and safety.

Observations

After going through the code of the NSPE, you will observe the following:

- The code is in three sections: fundamental canons, rules of practice, and professional obligations. The code covers most of the aspects covered in other codes. The code also mentions whistle-blowing by professional engineers.
- The part on deterrents and punishments or any procedure to deal with violations is missing.
- There is a board of ethical review that helps in interpreting the provisions of the code.

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American Society of Civil Engineers*

Founded in 1852, the American Society of Civil Engineers (ASCE) represents more than 144,000 members of the civil engineering profession worldwide and is America's oldest national engineering society.

The ASCE's mission is to provide essential value to its members and partners, advance civil engineering, and serve the public good. In keeping with this mission, the ASCE performs the following functions:

- Advances technology
- Encourages life-long learning
- Promotes professionalism and the profession
- Develops civil engineer leaders
- Advocates infrastructure and environmental stewardship

Rationale

Engineers adhere to ASCE's code of ethics and operate under the jurisdiction of state licensure laws and are subject to discipline for violation of these laws. Engineers are also subject to discipline from the professional societies of the engineering profession for violation of public trust. These laws and standards include the responsibility for properly preparing design documents or performing field observations and testing to document construction.

An engineer relies on a variety of resources, including non-professional personnel, in rendering professional engineering services. An engineer must oversee the performance of those resources for public health, safety, welfare, and the environment.

Since ASCE is composed of individual members, the Society is concerned about matters that affect its members and will voice its concerns relative to the employment conditions of its professional members while simultaneously striving to protect the health, safety, welfare, and the environment of the public it serves.

Code of Ethics

Engineers uphold and advance the integrity, honour, and dignity of the engineering profession by

- using their knowledge and skill for the enhancement of human welfare and the environment;
- being honest and impartial and serving with fidelity the public, their employers and clients;
- striving to increase the competence and prestige of the engineering profession; and
- supporting the professional and technical societies of their disciplines.

Fundamental Canons

- Engineers shall hold paramount the safety, health, and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.

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- Engineers shall perform services only in areas of their competence.
- Engineers shall issue public statements only in an objective and truthful manner.
- Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.
- Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
- Engineers shall act in such a manner as to uphold and enhance the honour, integrity, and dignity of the engineering profession and shall act with zero-tolerance for bribery, fraud, and corruption.
- Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.

Guidelines to Practice under the Fundamental Canons of Ethics

Canon 1 Engineers shall hold paramount the safety, health, and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.

Engineers shall recognize that the lives, safety, health, and welfare of the general public are dependent upon engineering judgements, decisions, and practices incorporated into structures, machines, products, processes, and devices.

- Engineers shall approve or seal only those design documents, reviewed, or prepared by them, which are determined to be safe for public health and welfare in conformity with accepted engineering standards.
- Engineers whose professional judgement is overruled under circumstances where the safety, health, and welfare of the public are endangered, or the principles of sustainable development ignored, shall inform their clients or employers of the possible consequences.
- Engineers who have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of 'Canon 1' shall present such information to the proper authority in writing and shall cooperate with the proper authority in furnishing such further information or assistance as may be required.
- Engineers should seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health, and well-being of their communities, and the protection of the environment through the practice of sustainable development.
- Engineers should be committed to improving the environment by adherence to the principles of sustainable development so as to enhance the quality of life of the general public.

Canon 2 Engineers shall perform services only in areas of their competence.

- Engineers shall undertake to perform engineering assignments only when qualified by education or experience in the technical field of engineering involved.
- Engineers may accept an assignment requiring education or experience outside of their own fields of competence, provided their services are restricted to those phases of the project in which they are qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.

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- Engineers shall not affix their signatures or seals to any engineering plan or document dealing with subject matter in which they lack competence by virtue of education or experience or to any such plan or document not reviewed or prepared under their supervisory control.

Canon 3 Engineers shall issue public statements only in an objective and truthful manner.

- Engineers should endeavour to extend the public knowledge of engineering and sustainable development, and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding engineering.
- Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.
- Engineers, when serving as expert witnesses, shall express an engineering opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.
- Engineers shall issue no statements, criticisms, or arguments on engineering matters that are inspired or paid for by interested parties, unless they indicate on whose behalf the statements are made.
- Engineers shall be dignified and modest in explaining their work and merit, and will avoid any act tending to promote their own interests at the expense of the integrity, honour, and dignity of the profession.

Canon 4 Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

- Engineers shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interests, or circumstances that could influence their judgement or the quality of their services.
- Engineers shall not accept compensation from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.
- Engineers shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.
- Engineers in public service as members, advisors, or employees of a governmental body or department shall not participate in considerations or actions with respect to services solicited or provided by them or their organization in private or public engineering practice.
- Engineers shall advise their employers or clients when, as a result of their studies, they believe a project will not be successful.
- Engineers shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.
- Engineers shall not accept professional employment outside of their regular work or interest without the knowledge of their employers.

Canon 5 Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.

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- Engineers shall not give, solicit, or receive either directly or indirectly, any political contribution, gratuity, or unlawful consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
- Engineers should negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.
- Engineers may request, propose, or accept professional commissions on a contingent basis only under circumstances in which their professional judgments would not be compromised.
- Engineers shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.
- Engineers shall give proper credit for engineering work to those to whom credit is due, and shall recognize the proprietary interests of others. Whenever possible, they shall name the person or persons who may be responsible for designs, inventions, writings, or other accomplishments.
- Engineers may advertise professional services in a way that does not contain misleading language or is in any other manner derogatory to the dignity of the profession. Examples of permissible advertising are as follows:
- Professional cards in recognized and dignified publications and listings in rosters or directories published by responsible organizations, provided that the cards or listings are consistent in size and content and are in a section of the publication regularly devoted to such professional cards
- Brochures which factually describe experience, facilities, personnel and capacity to render service, providing they are not misleading with respect to the engineer's participation in projects described
- Display advertising in recognized dignified business and professional publications, providing it is factual and is not misleading with respect to the engineer's extent of participation in projects described
- A statement of the engineers' names or the name of the firm and statement of the type of service posted on projects for which they render services
- Preparation or authorization of descriptive articles for the lay or technical press, which are factual and dignified. Such articles shall not imply anything more than direct participation in the project described
- Permission by engineers for their names to be used in commercial advertisements, such as may be published by contractors, material suppliers, etc., only by means of a modest, dignified notation acknowledging the engineers' participation in the project described. Such permission shall not include public endorsement of proprietary products
- Engineers shall not maliciously or falsely, directly or indirectly, injure the professional reputation, prospects, practice or employment of another engineer or indiscriminately criticize another's work
- Engineers shall not use equipment, supplies, laboratory, or office facilities of their employers to carry on outside private practice without the consent of their employers

Canon 6 Engineers shall act in such a manner as to uphold and enhance the honour, integrity, and dignity of the engineering profession and shall act with zero tolerance for bribery, fraud, and corruption.

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- Engineers shall not knowingly engage in business or professional practices of a fraudulent, dishonest, or unethical nature.
- Engineers shall be scrupulously honest in their control and spending of monies, and promote effective use of resources through open, honest, and impartial service with fidelity to the public, employers, associates, and clients.
- Engineers shall act with zero-tolerance for bribery, fraud, and corruption in all engineering or construction activities in which they are engaged.
- Engineers should be especially vigilant to maintain appropriate ethical behavior where payments of gratuities or bribes are institutionalized practices.
- Engineers should strive for transparency in the procurement and execution of projects. Transparency includes disclosure of names, addresses, purposes, and fees or commissions paid for all agents facilitating projects.
- Engineers should encourage the use of certifications specifying zero tolerance for bribery, fraud, and corruption in all contracts.

Canon 7 Engineers shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those engineers under their supervision.

- Engineers should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.
- Engineers should encourage their engineering employees to become registered at the earliest possible date.
- Engineers should encourage engineering employees to attend and present papers at professional and technical society meetings.
- Engineers shall uphold the principle of mutually satisfying relationships between employers and employees with respect to terms of employment including professional grade descriptions, salary ranges, and fringe benefits.

Observations

After going through the code of the ASCE, you will observe the following:

- The code of ethics of the ASCE is quite detailed.
- There are three sections: fundamental principles, canons, and rules for observing those canons. The seven canons of ethics cover most of the issues covered in other codes.
- As in other engineering codes, there is no explicit clause regarding violation of the code, procedure for dealing with such violations, and the authority to do so.

American Society for Mechanical Engineers*

The American Society of Mechanical Engineers (ASME) helps the global engineering community develop solutions to real world challenges. Founded in 1880, ASME is a non-profit professional

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organization that enables collaboration, knowledge sharing, and skill development across all engineering disciplines, while promoting the vital role of the engineer in society. The ASME codes and standards, publications, conferences, continuing education, and professional development programmes provide a foundation for advancing technical knowledge and a safer world.

Code of Ethics of Engineers

ASME requires ethical practice by each of its members and has adopted the following Code of Ethics of Engineers as referenced in the ASME Constitution, Article C2.1.1.

Fundamental Principles

The fundamental principles in the code of ethics of ASME are the same as that of the ASCE.

Fundamental Canons

- Engineers shall hold paramount the safety, health, and welfare of the public in the performance of their professional duties.
- Engineers shall perform services only in the areas of their competence; they shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
- Engineers shall continue their professional development throughout their careers and shall provide opportunities for the professional and ethical development of those engineers under their supervision.
- Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest or the appearance of conflicts of interest.
- Engineers shall respect the proprietary information and intellectual property rights of others, including charitable organizations and professional societies in the engineering field.
- Engineers shall associate only with reputable persons or organizations
- Engineers shall issue public statements only in an objective and truthful manner and shall avoid any conduct which brings discredit upon the profession.
- Engineers shall consider environmental impact and sustainable development in the performance of their professional duties.
- Engineers shall not seek ethical sanction against another engineer unless there is good reason to do so under the relevant codes, policies and procedures governing that engineer's ethical conduct.
- Engineers who are members of the Society shall endeavour to abide by the constitution, by-laws and policies of the Society, and they shall disclose knowledge of any matter involving another member's alleged violation of this code of ethics or the Society's conflicts of interest policy in a prompt, complete and truthful manner to the chair of the committee on ethical standards and review.

Observations

After going through the code of the ASME, you will observe the following:

- The code of ethics of the ASME has been very simply drawn up with three principles and 10 fundamental canons.
- The provisions are those that are usually found in other codes.
- There is no deterrent or penalty clause.

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Computer Society of India*

Formed in 1965, the Computer Society of India (CSI) has been instrumental in guiding the Indian information technology (IT) industry down the right path since its formative years. Today, the CSI has 66 chapters all over India, 381 student branches, and more than 50,000 members, including India's most famous IT industry leaders, brilliant scientists, and dedicated academicians.

The mission of the CSI is to facilitate research, knowledge sharing, learning, and career enhancement for all categories of IT professionals, while simultaneously inspiring and nurturing new entrants into the industry and helping them integrate into the IT community. The CSI is also working closely with other industry associations, government bodies, and academia to ensure that the benefits of IT advancement ultimately percolate down to every single citizen of India.

All members are required to give an undertaking to the effect that they would abide by the CSI code of ethics. The code of ethics will also specify the procedure for the action to be taken against concerned members for any breach of this code. Following is the code of ethics prepared by the ExecCom and adopted after approval by balloting by the voting members of CSI.

Code of Ethics for CSI Members (All Categories)

A member of the CSI shall

- organize the resources available to him and optimize these in attaining the objectives of his/her organization.
- not misuse his/her authority or office for personal gains.
- comply with the Indian laws relating to the management of his/her organization and operate within the spirit of these laws.
- conduct his/her affairs so as to uphold, project, and further the image and reputation of the CSI.
- maintain integrity in research and publications.

As regards the organization, a CSI member should

- act with integrity in carrying out the lawful policy and instructions of his/her organization and uphold its image and reputation. Plan, establish, and review objectives and tasks for himself/herself and his/her subordinates which are compatible with the codes of practice of other professionals in the enterprise, and direct all available effort towards the success of the enterprise rather than of himself/herself.
- fully respect the confidentiality of information that comes to him/her in the course of his/her duties, and not use confidential information for personal gain or in a manner that may be detrimental to this organization or his/her clients.
- not snoop around in other people's computer files.
- in his/her contacts and dealings with other people, demonstrate his/her personal integrity and humanity and when called to give an opinion in his/her professional capacity, shall, to the best of his ability, give an opinion that is objective and reliable.

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As regards the employees, a CSI member should

- set an example to his/her subordinates through his/her own work and performance, through his/her leadership and by taking account of the needs and problems of his/her subordinates.
- develop people under him/her to become qualified for higher duties.
- pay proper regard to the safety and well being of the personnel for whom he/she is responsible.
- share his/her experience with fellow professionals.

As regards the clients, a CSI member should

- ensure that the terms of all contracts and terms of business be stated clearly and unambiguously.
- not use the computer to harm other people or to bear false witness.
- be objective and impartial when giving independent advice.

As regards the community, a CSI member should

- make the most effective use of all natural resources employed.
- be ready to give professional assistance in community affairs.
- not appropriate other people's intellectual output.
- always use a computer in ways that ensure consideration and respect for fellow humans.

Observations

After going through the code of the CSI, you will observe the following:

- The code of ethics of the CSI is framed differently from other engineering codes we have seen.
- The code stipulates some fundamental principles first and then has four sections dealing with professional conduct in terms of the organization, employees, clients, and community.
- The CSI does talk about deterrents in terms of procedure for violation of the code but is not mentioned specifically in the code.
- The code has some profession-specific provisions such as the use of computers and confidentiality of information in computer files.

Exhibit 8.3 presented here questions media ethics in light of the popular phenomenon of sting operations.

EXHIBIT 8.3

Media Ethics

Many media entities conduct sting operations with the noble objective of bringing out malpractices like corruption by public figures. While the intention is good, the means may not stand ethical scrutiny. People undertaking sting operations are involved in four actions that are of questionable nature:

- They create a false identity for themselves.
- They give false information.
- They attempt to lure the person against whom the sting operation is planned.

(Contd)

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EXHIBIT 8.3 *(Contd)*

- They record the incident secretly without the person's knowledge, thus invading his/her privacy.

Now, assume a sting operation was planned and executed but nothing came out of it. The targeted person did not fall into the trap laid by these people either because he was very honest or had a feeling that they were not genuine. Whatever the reason, the operation failed and did not bring out any wrongdoing on the part of the person.

Give your opinion on the following:

1. Mahatma Gandhi, the Father of the Nation, held the view that the means must be as pure as the end. In a sting operation, while the end is noble, the means is not.
2. A sting operation cannot be justified under any circumstances.
3. Having conducted a sting operation that failed to bring out any wrongdoing, the people responsible for the act must apologize to the person who was targeted.

CODES FROM OTHER PROFESSIONS

For the purpose of comparison, the reader should study the codes from other professions as well. We have not reproduced the complete codes here. The reader is advised to go through the web references given to study the full codes.

Medical Council of India

The code of ethics of MCI is available on their website www.mciindia.org.

The code of medical ethics has been segregated into eight chapters as follows:

Chapter 1 Duties and Responsibilities of Physician in general
Chapter 2 Duties of Physicians to their Patients
Chapter 3 Duties of Physician in Consultation
Chapter 4 Responsibilities of Physicians to each other
Chapter 5 Duties of Physicians to Public and Paramedical Profession
Chapter 6 Unethical Acts
Chapter 7 Misconduct
Chapter 8 Punishment and Disciplinary Action

Observations

After going through the code of the MCI, you will observe the following:

- The code of ethics devised by the MCI is a very detailed document. It is given in eight chapters and covers most of the professional conduct of medical professionals.
- Chapter 6 deals with unethical acts and Chapter 7 details what can be construed as professional misconduct by a physician.
- The salient feature of the code is the chapter on deterrents and punishments. As medical practitioners have to register themselves with the MCI for legally practising the profession, the deterrent is in the form of deregistration for some period.

Bar Council of India

The code of professional conduct and etiquette of the Bar Council of India (BCI) can be found on their website www.bci.org. A brief of the code is as follows.

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Professional Conduct and Etiquette

An advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an advocate shall fearlessly uphold the interests of his client and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned. The code is in four sections as follows:

Section I Duty to the Court
Section II Duty to the Client
Section III Duty to Opponent
Section IV Duty to Colleagues
The Bar Council also has a detailed section on Disciplinary action for misconduct.

Observations

After going through the code of the BCI, you will observe the following:

- The professional conduct and etiquette rules, and the procedure of the BCI is a detailed document covering most of the aspects of a lawyer's professional conduct.
- Given in various sections as duties to the court, clients, etc., it has many sections covering various aspects.
- As can only be expected, prepared by the legal brains of the country, the legalistic tone of the code of conduct is clearly seen as compared to the engineering codes.
- The BCI also has a section of disciplinary procedures in case of professional misconduct. It is not reproduced here as it is a document giving a very detailed procedure.

Advertising Standards Council of India

The Advertising Standards Council of India (ASCI) is a voluntary self-regulation council, registered as a not-for-profit company under section 25 of the Indian Companies Act. The sponsors of the ASCI, who are its principal members, are firms of considerable repute within industry in India, and comprise advertisers, media houses, advertising agencies, and other professional/ancillary services connected with advertising practice. The ASCI is not a government body, nor does it formulate rules for the public or the relevant industries.

They have a number of codes such as the self-regulatory guidelines for advertising of food and beverages, automotive vehicles, educational institutions and programs, and also guidelines for superimposed text. To know more about the Advertising Standards Council of India and to read the full code, refer to http://www.ascionline.org/index.php/asci-codes.

Exhibit 8.4 presents is certain common guidelines for developing the professional and personal codes of an individual.

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EXHIBIT 8.4

One's Own Mission and Codes

Honesty and integrity Be honest in all your dealings and reliable, and dedicated towards your duty.
Truthfulness Truthfulness should be the hallmark of your words and actions.
Responsible Take responsibility for your actions and be accountable.
Trustworthiness Trust should be at the core of your actions and decisions.
Courageous Stand by your beliefs and do not budge from your value system.
Respect for others Show respect to others and their rights, and follow Confucius' principle—Do unto others what you expect to be done to you.
Be what you are Do not change yourself to please others, at the same time analyse youreself to change for the better.
Caring Show care for others, particularly the deprived, and always offer a helping hand to mitigate their sufferings.
Excellence Always strive towards excellence and give your best effort in whatever you do.
Attitude Develop a positive attitude, which will help you negotiate obstacles in life.
Optimistic Always be hopeful and believe that there is light at the end of the tunnel.

- Understand yourself and your purpose in life.
- Make a clear statement of your values.
- Define the entity that inspires you and write its characteristics.
- Think of any big event or moment in life that has had an impact on you.
- Cherish the things that give you satisfaction and peace of mind—work, friends, relationships, and family.
- Make a plan to improve yourself and set a time frame for it.
- Make promises that you can keep, to change your life for the better.
- Always allot time for leisure.
- If you have everything you want, what would you like to do?
- Make a personal mission statement and refine it.
- Keep yourself professionally competent and always be prepared to learn from others.
- Always try to better your performance and strive to achieve professional excellence.
- All decisions and actions should be based on professional conscience and must be correct in accordance with your professional judgments.
- Always think and take decisions that are based on ethical principles.
- Be committed to protecting the environment, which is the source of everything we have.
- Always keep public good and safety in mind while carrying out professional duties.
- Say no to all forms of bribes and gifts that promote professional expediency.
- Have the courage to fight against professional malpractices.
- Strive to uphold and maintain a clean image of the profession.
- Be innovative and creative to contribute to the well-being of the society.
- Give due credit to others for their contributions and avoid all forms of plagiarism.

CORPORATE CODES

There are many corporate entities that have developed their own code of conduct for employees. We are not reproducing the codes here; however, the reader is advised to go through the complete code from the websites given.

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TATA Group of Companies

The code of conduct of the TATA group is given in 25 clauses, as given here:

Clause 1: National interest
Clause 2: Financial reporting and records
Clause 3: Competition
Clause 4: Equal opportunities employer
Clause 5: Gifts and donations
Clause 6: Government agencies
Clause 7: Political non-alignment
Clause 8: Health, safety, and environment
Clause 9: Quality of products and services
Clause 10: Corporate citizenship
Clause 11: Cooperation of Tata companies
Clause 12: Public representation of the company and the group
Clause 13: Third-party representation
Clause 14: Use of the Tata brand
Clause 15: Group policies
Clause 16: Shareholders
Clause 17: Ethical conduct
Clause 18: Regulatory compliance
Clause 19: Concurrent employment
Clause 20: Conflict of interest
Clause 21: Securities transactions, and confidential information
Clause 22: Protecting company assets
Clause 23: Citizenship
Clause 24: Integrity of data furnished
Clause 25: Reporting concerns

'... Sir, everybody does it. It is okay to add a little bit of bleach in our fairness cream. The effects will be astonishing and we can claim that if it doesn't work we will pay back... '

Managing products

Observations

After going through the code of the Tata Group, you will observe the following:

- The Tata Group has a detailed code of ethics. As a multinational corporation having wide business interests, 'from salt to software' as it is said, the code covers a wide range of issues.
- The code does talk about working with national interests in mind and the responsibility to the community in which it operates.

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- There is a special provision made for whistle-blowing (Clause 25), which has come into focus in recent times.
- There is also the mention of deterrents and punishments for violation of the code, though no detailed procedure has been given. This may be because this is probably an internal matter to be dealt with by the company.
- The code of ethics is more in the nature of an ethical policy document instead of a professional conduct document of dos and don'ts.

The reader is also advised to go through the following codes:

- Vodafone: http://www.vodafone.com/content/dam/vodafone/about/sustainability/2012/pdf/vodafone_code_of_conduct_2012.pdf
- Lockheed Martin: http://www.lockheedmartin.com/content/dam/lockheed/data/corporate/ documents/setting-the-standard.pdf
- Whirlpool Corporation: http://www.whirlpoolcorp.com/responsibility/codeofethics.aspx
- TimeWarner Inc.: http://www.timewarner.com/our-company/corporate-governance/codes-of-conduct/
- Google: http://investor.google.com/corporate/code-of-conduct.html

DEVELOPMENT OF CODES

Having looked at the sample codes of professional bodies from engineering, medical, and legal professions, as well as that of some private business entities, let us now understand what goes into developing a code.

First and foremost, the group entrusted with the development of the code must be well aware of the fundamental principles of ethics. These have been detailed in Chapter 3. The fundamental ethical principles such as truth, justice, non-violence or peace, respecting others' right or autonomy, beneficence, and least harm must form the fundamental canons for detailing the code of ethics. These principles must find ample reflection in the detailing of the code of ethics.

In developing a code, the first and foremost is the format in which the code is written. Limiting ourselves to engineering codes, what should be the format for writing a code? There are so many different formats in which the codes have been written that it is difficult to say which one is the best. As it is not possible to anticipate all possible contingencies, the code should be simple and easy to understand and interpret.

An engineer may be governed by one or more codes. If you are a member of the IEI and also the CSI, will there be any conflict? There is a plethora of codes depending upon the number of professional bodies. Can there be a single code for professional engineers? The larger the population we try to cover, more the generalities that would crop up. The code should consist of generic statements of ethical conduct.

Is there any difference between ethical code and code of professional conduct? Some people feel that ethical codes are general statements whereas professional conduct rules can be more specific. This can be seen in the difference between codes of professional societies and the code of conduct of, say, a corporate entity like Vodafone.

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To develop a code of ethics, we try to answer the following questions:

- What should be the format of the code in terms of the number of sections and their content?

  It will be necessary to study the codes of ethics of various organizations that have developed their own codes. Remember that there is no standard way of doing this. However, one can learn a lot by studying existing codes and develop one's own format. Any group entrusted with the task of developing a code of ethics must have a number of brainstorming sessions to arrive at the format and detailing.
- Should it be as detailed as the code of the MCI?

  From the different codes you have seen, you have to decide how detailed the code should be. An elaborate and voluminous code may not be useful as people may not have the patience to read and interpret it thoroughly.
- Should it be like the code of IEEE, in a single section, like a pledge taken by members?

  At the other end, is the code of conduct of the IEEE, which is a very simple document containing just 10 statements. The ASME's code of ethics is similar with just three principles and 10 statements. One has to decide what is best suited to the organization.
- What should be the contents?

  A functional analysis of the members and the anticipated ethical problems will provide us with the type and amount of content to be included. One has to also decide whether some discipline-specific content should be there as in the CSI code. Penalty clauses and punishments for professional misconduct should also be decided. These require very detailed discussions and opinion gathering before a final decision can be taken.
- In what form should the provisions be written?

  The form of writing the codal provisions also needs consideration. Should it be in the form of dos and don'ts or should it be in the form of expected decisions and actions from members? Serious thought should be given to the way the codes are written.
- Should it include deterrents and punishments and the procedure for dealing with professional misconduct?

  As we have seen, many of the codes do not have provisions that detail out the deterrents for ethical misconduct in the form of procedures and extent of punishment. These should be included as in the code of conduct circulated to the members.
- A final consideration should be the establishment of an ethical review or oversee committee. If such a provision is made, much of the details, regarding procedures and deterrents and interpretation of codal provisions can be left to such a committee. This can make the main code very simple for members to understand with a brief mention about the ethical oversee committee and its powers. The brief for the ethical review committee can be a separate document delineating procedures and its powers.

  No standards are available regarding the format and content of the codes. Different professional societies have framed codes in the best way they could think of. The following procedure can be adopted for developing and implementing the codes of ethics:

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- Derive an appropriate format for the code. This will decide whether there should be many sections or simply one section as in the IEEE code. Or should there be a section giving the procedure for disciplinary action?
- Once the format is decided and approved, one can draft the code as per the requirement. The language should be concise and clear and must be such that it can be easily interpreted.
- The code can then be widely circulated among professionals for opinion and comments.
- The comments of the members can be incorporated wherever found acceptable.
- The final draft code has to be approved by the board of the professional body.
- The code has to be widely circulated or made available on a website for any one to read and understand.
- There are many training programmes for engineers. A small session must be devoted to discussing the code of ethics.
- All engineering curricula must contain a course, or at least a serious discussion, on the code of ethics for engineers. It is very necessary to educate future professionals about ethical issues that they are likely to face in their career.

Codes are written after analysing the functions of professionals. The codes can become more and more specific when the functions can be more accurately ascertained. However, more important is the dissemination of the code and its provisions and educating engineers about their responsibility to the society as professionals. In this sense, codes are guidelines that must be followed by all professionals, more as a matter of self-realization than as rules.

IMPLEMENTATION OF CODES

Professional societies often depend upon voluntary observance of the provisions of the code by the members. It is all the more so where any deterrents or punishments are not specifically spelt out as part of the code. It is imperative that, particularly for engineering codes, where there is no provision for deregistration or preventing an engineer accused of professional misconduct from practising the profession, this voluntary compliance is sought and encouraged. The following are some of the steps to make professionals appreciate and understand the importance of professionalism:

- Training programmes and workshops in professional ethics must be conducted for working professionals by educational institutions and employee organizations.
- A large number of conferences and seminars are conducted every year by various professional bodies and educational institutions and industry organizations. At least one session must be devoted to discussion on professional ethics.
- Students and professionals must be encouraged to write their views and experiences on ethics and should be encouraged to speak about ethical issues and publish papers on the subject. Institutional debates on professional ethics must be encouraged.
- It is also important to compile case studies of actual instances of professional misconduct or negligence which can be made available to all professionals through the internet and other communication channels for greater awareness about their responsibilities.

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- Professional ethics is a course of study only in very few colleges. It must be made mandatory to have a course in professional ethics, even as a compulsory audit course, in all professional courses to give direction to young professionals to follow ethical practices.
- One does not find much discussion in the media about ethics. Efforts must be made to discuss ethical issues and not just report misconduct.
- Finally, one can think of forming an ethical forum to which all professionals can contribute by discussions and reporting. Like many social networking sites, this can be a free site that all professionals can make use of.

LIMITATIONS OF CODES

Now let us look at the limitations of codes.

- Many codes are just statements of dos and don'ts for members. They become pious statements of 'shall' and 'shall not' without much specificity. It is also not possible to cover all the possible issues that are likely to arise in the course of time. However, the presence of a code and its wide dissemination does serve the purpose of publicizing the need for ethical conduct.
- The provisions in the code can be conflicting. The provision of public safety, health, and welfare may contradict with the provision for loyalty to employers. Which of them is more important can result in dilemma for the member. Ethical review committees can thus become an essential component for implementing the code.
- Many provisions in the codes, originally included considering a current context, may become unfruitful later. Thus codes may not, and do not, provide a final word on morality of an action. This calls for continuous revision and updating of the code.
- Many engineering codes do not provide for deterrents and punishment for violation of codal provisions. It is not that violations are not dealt with. There are committees and reports prepared and actions suggested. However, these are not part of many codes.
- There is a plethora of engineering codes. Though many codes subscribe to same fundamental canons, the presence of so many codes does not give a clear picture to the public at large about the utility of the codes. Many people feel that it is time to look at a single, unified code for engineers.

Finally, implementation of codes should not depend upon only deterrents. As it was mentioned earlier, many codes have deterrent clauses as a part of the codes. Fear of punishment should not be the reason why one should behave ethically. With many deterrent clauses in many codes, we do not see much change in the behaviour of people as in the medical profession or legal profession. Many case studies given in the book or you read in the media are proof of this. When a professional consciously decides to act ethically based on ethical principles, he has reached a stage of compliance or a stage of self-actualization or naturalization. That is what a professional should try to achieve.

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SUMMARY

Ethical codes are prepared by many professional bodies. Codes of professional conduct are also prepared by many business entities. Codes are generally prepared as instructions to the professional on what he/she has to do and what he/she should not do. Many codes also have deterrents, punishments, and procedures to deal with misconduct, as in medical or legal codes. Engineering societies have ethical review committees, which help in the interpretation of codal provisions. Codes are dynamic and change with time. Codes are generally self-regulatory as these are prepared by the professionals themselves. The large number of codes available in engineering and the vague nature of statements are some of the limitations in implementing the codes.

Read the following two reports by Abhinav Garg in 2008, taken from *The Times of India*.

HC bars top lawyers from court
R.K. Anand and I.U. Khan hauled up for criminal contempt in BMW case

The Delhi High Court on Thursday debarred two high profile city lawyers—former congress MP R.K. Anand and ace criminal lawyer I.U. Khan—from appearing before it and its subordinate courts for four months for committing 'criminal contempt' in the BMW hit-and-run case.

Confirming a sting conducted last year jointly by a key witness in the case and a TV channel, a bench comprising Justices Manmohan Sarin and Madan Lokur recommended that the full court demote Anand and Khan by stripping them of their designations as 'senior advocate'.

Anand, as defence counsel, and Khan, as special public prosecutor, were found to have been 'somehow or the other more than mixed-up' in a bid to influence key witness Sunil Kulkarni to turn hostile and shield Sanjeev Nanda who is facing trial on the charge of killing six persons in a road accident.

In an immediate fall-out of the verdict, district bar associations across the capital gave a strike call for Friday, alleging that the HC had 'overstepped its jurisdiction' by interfering with the licence conferred on the two lawyers by a statutory body, the Bar Council of Delhi, to practice anywhere in the country.

Congress spokesperson Jayanthi Natarajan said that the party would take disciplinary action against Anand as obstruction of justice was a serious matter.

Having checked the veracity of sting tapes, the bench said, 'The entire material leaves a bitter taste in the mouth about the goings-on in the BMW case and there is no manner of doubt whatsoever that there was complicity between Khan and Anand and that Kulkarni was aware of it and was apparently trying to use it to his advantage.'

Lawyers forfeited right to enjoy honour: Delhi High Court

While holding lawyer R.K. Anand's guilt for committing criminal contempt of court to be an 'unshakeable truth', the Delhi high court on Thursday said he was 'a key player in interfering or at least tending to interfere in the due course of a judicial proceeding and … the administration of justice.'

The bench listed out a series of aggravating circumstances for choosing to award punishment to Anand and Khan.

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Besides having been a member of the Rajya Sabha, Anand has held prestigious elective positions in the legal fraternity including the Bar Council of Delhi.

'That he should indulge in sharp practices may have taken many in the legal fraternity by surprise,' the bench said. As regards Khan who had been specially appointed a prosecutor in the BMW case, the court said: ' That he would betray the trust that the prosecution reposed in him, in the manner he did, was perhaps beyond the realm of contemplation of the prosecuting agency.'

Referring to the principle of responsibility increasing with position, the HC said: 'We are dealing with senior advocates, who are expected to conduct themselves as gentlemen and role models for young members of the Bar … They have not tendered any apology conditional or unconditional, expressed any contrition or repentance for their conduct.'

That is how the HC concluded in its 112 page verdict that Anand and Khan had 'forfeited their right to enjoy the honour conferred on them by this court of being designated as senior advocates.' Besides ordering each of them to pay a token fine of ₹2000, the bench directed the registrar general to put up its recommendation of stripping their designation to the chief justice within a month so that he could in turn place the matter before the full court for the necessary decision. Interestingly, in the same breath, the HC recommended that amicus curie Arvind Nigam, who 'had the unpleasant task of rendering the assistance in a matter where senior advocates of the bar were involved', be designated as a senior advocate.

Both Anand and Khan were shown in the sting colluding to influence Kulkarni in the BMW hit-and-run case. The TV sting operation took place on May 30 last year. A day later, the court took suo moto cognizance of the sting operation showing Anand with Khan, allegedly offering money to Kulkarni to depose in favour of Sanjeev Nanda, the prime accused in the hit-and-run case.

Based on the following sources:

- http://www.rediff.com/news/2008/aug/21bmw.htm
- http://www.supremecourtofindia.nic.in/outtoday/sradv21012013.pdf
- http://www.hindustantimes.com/delhi/high-court-convicts-rk-anand-iu-khan/story-6wXoTP3EyE2RF8CjdV2PTK.html

Ethica wants your opinion on the following:

1. What do you think of the ethics involved in this case?
2. Attempts to derail justice in the case of deaths due to hit-and-run accidents have become very common. How do we promote ethics among lawyers?

EXERCISES

Multiple Choice Questions

1. Professional codes of ethics serve the purpose of
   (a) controlling the members' actions
   (b) ensuring that members behave ethically
   (c) punishing those violating the provisions of codes
   (d) a set of guidelines for members to take decisions and act
2. Deterrent clauses in the professional codes of ethics
   (a) are necessary to instill a sense of fear of punishment for violations
   (b) inform members of likely consequences of unethical acts

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(c) are not required if voluntary compliance expected
(d) are not effective in practice

3. Professional codes of ethics
   (a) need to be very detailed to cover all aspects of the members' functions
   (b) need to be very simple and short for members to understand them easily
   (c) can be just a set of dos and don'ts
   (d) to be effective need to be followed by training of members about the provisions
4. Codes of ethics
   (a) can be implemented by voluntary compliance by members
   (b) can be implemented by voluntary compliance coupled with deterrents
   (c) can be implemented by adequate dissemination and education of members
   (d) have not been effective in curbing malpractices
5. One limitation of code of ethics is
   (a) that it depends upon voluntary compliance
   (b) the lack of deterrent clauses in many codes
   (c) the lack of legal mandate in implementing the code
   (d) that they are not followed up by appropriate education and training

Review Questions

1. Explain the need for ethical codes for professionals.
2. Compare the codes of the IEI and the NSPE, USA. Give your comments on the provisions in these two codes.
3. Compare the codes of the ASCE and the ASME, two similar organizations in two disciplines. Give your comments on the codal provisions.
4. Compare the codes of the IEI and the MCI. Give your comments on these codes.
5. If someone is a member of two societies, will there be any conflict due to the varying provisions in the code? Or, if someone is a member of two professional bodies in two different countries, will there be any conflict due to codal provisions?
6. Professional codes of ethics exist in all professions. Even with many detailed deterrent provisions, they have not been effective. State the reasons for this and your suggestions for better implementation of the codes.
7. Most codes depend upon voluntary compliance. Is it a reason for lack of effectiveness? Explain.
8. State the limitations of codes of ethics. Make suggestions for improving the effectiveness in curbing unethical acts by members.

Group Exercises

1. Many engineering codes such as those of IEI, ASCE, ASME, NSPE, and CSI are given in this chapter. You can look up more codes from the Internet. Work out a suitable format for an engineering code in terms of the number of sections and the contents of each section.
2. The Indian Society for Technical Education (ISTE) is a professional body with teachers from engineering colleges and polytechnics as its members. Work out in detail a code of ethics for the members of the ISTE.
3. You are working in a company manufacturing various household electrical appliances. The functions include engineering design, manufacturing, testing and quality control, and marketing. Work out in detail an ethical code for professional engineers of your company covering all functions.

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