

PROFESSIONAL ETHICS

Author :- Amritha Priya¹

Ethics is derived from the Latin word “ethicus” and Greek word “ethos” which means making a distinction between what is wrong and right. Ethics or moral philosophy is a branch of philosophy that involves systematizing, defending and recommending concept of what is right and wrong. It seeks to resolve questions of human morality by defining concepts such as good and evil, right and wrong, virtue and vice, justice and crime etc. . Ethics is a branch of social science. It deals with moral principles and social values. It helps us to classify what is good and bad? It tells us to do right things to avoid doing bad things. Hence ethics means the code of conduct. It tells how a person must behave with another person.

Ethics are an arrangement of decent principles and a branch of attitude which defines what is good for an individuals and society. Many people assume that ethics has got to do with social conventions or a religious decree. In professional philosophy we do not typically consider this to be the definition of ethics. Philosophical ethics could be called the study of what is good and bad. Generally, philosophical ethics concern with discovering a system one may use to determine who or what evaluating systems that others have proposed.

Ethical issues are a continuing concern in business life, and reports of deception, fraud and other form of malfeasances still appear all too frequently in all the professions. Measures should be taken by every individual to sort out those ethical issues and honestly contribute to the society at large. . Ethics cannot be confined only towards one profession it is something that must be inculcated in every sphere of life. Hence I would be talking about personal ethics, professional ethics, legal ethics and how ethics and professional ethics are interrelated.

Ethics evolved and defined:

The evolution of ethics constructs a conceptual bridge between natural science and human behaviour. The evolution of ethics need not clash with religious belief. For example, adultery to a religious person might seem “wrong” because it defies the will of god. On the other hand, adultery might also be reasoned as “wrong” by a moral scientist using secular logic. Such an analysis would likely describe in understandable terms how adultery violates the law of efficient action and therefore should be discouraged as generative human behaviour. The analysis would explain how human social systems must also be stable systems to strive long-term. Therefore, efficient action is important factor in deciding human conduct. The scientist and the religious behaviour have common interests.

The concept of ethics has been changing from time to time, society to society, individual to individual etc. This change is observed because of various factors, few being education, thought process, change of lifestyle etc. This change generally depends on how fast the society accepts change. Change is always welcoming, accepting it is a challenge in every

¹ Student B.B.A LL.B 4th Year CMR law school

sphere of life. To elucidated this with examples:

- 1) Sati was in practice between 3rd – 18th century, but is an offence under the Sati (prohibition) Act, 1987.
- 2) Recent judgement on Sec 377 IPC “sex between homosexual adults” was an offence punishable under the code, but is no more an offence.
- 3) Though there are various laws on child marriage, still a practice among few villages in Rajasthan.
- 4) Killing is an offence under Sec 300 IPC, but Seni cide(a heinous custom to kill elderly) is custom in China, Thalaikoothal(a village in Tamil Nadu).
- 5) Manual scavenging, discrimination of lower cast, enforcing the weaker section into heinous work etc. They are considered as offences under the SC and ST Act in order to protect the interest of the minority class.

These above few examples help us understand how ethics has been changing. To sum the whole idea “what might be wrong today might not be tomorrow” and “what might be right today might be wrong tomorrow”. The ability to decide on what is right and wrong depends on our education

Personal ethics:

Many people in the society have an individual code of ethics based on the values, beliefs, experience, culture, education and upbringing. In all cases these drive sense of what is right and wrong. Some situations may be wrong even if the society feels it right. This might be your ethical code. Each of us have our own approach towards ethics. It is not mandatory we all stand on one footing. Ethical code is the foundation towards ethical behaviour and decision making.

A person’s core values, morals, ethical behaviour, conduct reflects on a person’s honesty, loyalty, commitment towards his goals. A balance of personal integrity and ethical conduct play a important role in ones career. These are few things that must be inculcated within kids by their parents, because learning of core values start at a very early age and stands by throughout our life. Education when coupled with ethics, values, morals, make a person successful. That is where the intelligible diffrentia of people differ. Parents need to establish good solid values and make sure children adhere to certain roles, morals and conduct. They need to establish a strong feeling of brotherhood among their children. This is important for a progressive society, as they are the assets of the nation.

Professional ethics:

It is defined as the personal and corporate rules that govern behaviour within the context of a particular profession. Within the idea of ethics there are various other traits and morals one must possess in their professional life as well as in their personal life. Integrity is one of the excellent qualities of character one must have throughout life. People with integrity do right things even when the option of wrong is much more comforting or appealing. Honest officers are worth and qualitative than others. Which every profession requires. Professional ethics are guided with six principles, such as honesty, fairness, respect compassion, integrity and self disciple.

Professional ethics means the code of conduct. It tells how a person must behave with another person. Hence the professional must avoid indulging in unfair trade practise like misleading, false promotion, unreasonable prices, creating false demand, adultery of products etc. They must pay taxes regularly to the government. They must contribute towards the society they are benefitted from, ie in the form of corporate social responsibility.

Whether one is into medicine, advocacy, engineering, business etc they have to work with honest, loyalty and determination to justify their roles. This entire concept is branched under professional ethics.

Legal ethics:

The word ethics is derived from Greek word meaning character and Latin word customs. Together they combine to define how individual choose to interact with one another. In philosophy, ethics defines what is good for the individual and for the society and establishes the nature of duties that people owe themselves and one another. Ethical values and legal principles are usually closely related, but ethical obligations typically exceed legal duties. In some cases, the law mandates unethical conduct. In general, when physicians believe a law is unjust, they should work to change the law. In exceptional circumstances of unjust laws, ethical responsibilities should supersede legal obligations.

As Justice Marshal Defines “The fundamental aim of legal ethics is to maintain the honour and dignity of law profession, to secure the sprite of friendly cooperation between bar and bench in the promotion of highest standards of justice, to establish honourable and fair dealing of the council with his client, opponent and witnesses, to establish a sprite of brotherhood in the bar itself and to secure lawyers discharge their responsibility to the community generally”.

Legal profession is a profession with great honour and a noble profession. It has not been created for private gain but for public good. It is a partner with judiciary in the administration of justice. An advocate is the officer of the court and the court acts on his statements. To maintain the honour of legal profession the Advocate Act of 1961 has been passed and Bar Councils have been established. The State Bar Council and Bar Council of India punish the advocate for professional or other misconduct.

Judge Abbot Parry in his book “The Seven Lamps of Advocacy” has defined and laid down the seven lamps that an advocate must possess in his/her profession. They are :-
1) Honesty- it is the quality of straightforwardness; freedom from deceit, cheating or stealing and not telling lies. The best advocates of all time are devotees of honesty. Example for honest character is Abraham Lincoln, who founded his fame and success on what some called ‘perverse honesty’. The nobleness of this profession lies in honesty itself. An advocate should not indulge in any illegal practice. He should disclose the facts to the clients directly and give false assurances. He should not do any act which would amount to professional misconduct. Honesty, integrity and character are essential for a success of an advocate.
2) Courage- courage is the quality that enables a person to control fear in face of danger, pain, misfortune, etc. An advocate must have courage to face all odds. At times advocate

would fight against the state and the legislature. He must always adhere to laws and not to any influence. He must face all the situations bravely and lay down his views in the interest of the clients.

3) Industry- Advocates life is indeed an industry. Success in advocacy is not arrived at by institution but through industry. Industry is the quality of being hard-working, being always employed usefully. Lord Eldon says “An advocate must live like a hermit, and work like a horse”. This is an intellectual profession. Intelligence and knowledge will be sharpened with hard-work and strenuous efforts.

4) Wit- wit means clever and humorous expression of ideas; liveliness of spirit. Wit flows from intelligence; understanding and quickness of mind. wit lessens the workload of an advocate. It relaxes his mental stress. The lamp of wit is needed to lighten the darkness of advocacy.

5) Eloquence- the success of an advocate depends on his eloquence. It means fluent speaking of language to appeal the feelings of others. Fluent speaking impresses the listener. An advocate must be fluent, skilful in using appropriate words to impress the court. It attracts the listener.

6) Judgement- an advocate must be capable of judging between what is right and wrong. He must be in a possession to decide upon the merits of the case. He should inform the client the legal status and not mislead the client.

7) Fellowship- it means friendly association or companionship. Though the advocates are opponent parties before the bench they are not enemies to each other. They shall maintain good relationship with their fellow advocates.

8) Tact- this lamp was added by Justice K.V. Krishnaswamy Ayier in his book “Professional Conduct and Advocacy” adds one more lamp. Tact means handling people and situation skilfully and without causing offence. An advocate must be in a position to tackle and win his client, opponent party, opponent advocate in a smother way.

Ethics also very important in legal profession as lawyers are looked up doubtfully. Often lawyer face conflicting problems with their clients on trust issues. If a lawyer breaches upon his duty, it can be regarded as misconduct or can be filed for contempt of the court. It is important that an advocate should be honesty and loyal towards his client, work in the interest of his client, respect the laws of the land, respect the court and seat of justice, adhere to the rules etc.

Personal ethics and professional ethics interrelated:

The learning of ethics start at very early age, we carry them along throughout our life. Certain personal ethics are also carried by everyone to their office place. Everyone must work to uphold the integrity of his/her profession. This can be achieved when a child can differentiate between goal clarity and role clarity.

The comparison between both personal ethics and professional ethics correlates to the same values and beliefs. These two areas build a strong foundation for a successful personal and professional life. Any corruption in any one then it would lead to imbalance and adversely influence the other. Therefore we must maintain a solid personal and professional ethical base to promote a successful life.



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