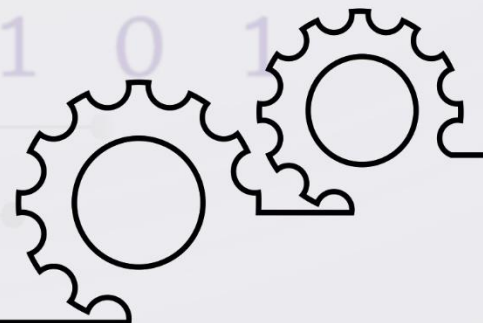


SIMATS
School of Engineering

Professional Ethics and Legal Practices

Science & Humanities



Saveetha Institute of Medical And Technical Sciences, Chennai.

Professional Ethics And Legal Practices

UNIT - I

Professional Ethics

	Page NO
• Ethics	1
• Types of Ethics	1
• Professional Responsibility	1
• Conflict of Interest	1
• Moral dilemma	2
• Moral Autonomy	2
• Ethical Theories	2
• Whistle blowing	3
• Protective Disclosure	3
• Ethical Problem solving	3

UNIT - II

Case Studies - variety of moral issues
in profession.

	Page NO
• Chernobyl Nuclear Disaster	4
• Three - mile Island	4
• Fukushima Reactor Meltdown	4
• Satellite Launch Vehicle SLV-3	5
• Challenger Blow-up	5

	Page NO
• DC- Jumbo Jet	6
• Kingfisher Airlines	6
• Highway Safety	7
• The Indian Space Shuttle	7
• Ford Pinto Design	8
• Titanic	8

UNIT - III

Professional Bodies

	Page NO
• IBE, NSPE, ASME	9
• Code of Ethics	10
• Student Code of Ethics	10
• Computer Code of Ethics	10
• Corporate Code of Ethics	10

UNIT - IV

Constitutional law

	Page NO
• Constitutional law	11
• Fundamental Rights	12
• Secularism	13
• Religious Freedom	13
• Judicial Activism	13
• Right to life & Personal liberty	13
• Fundamental Duties	14
• Emergency Provisions	15

UNIT - V

Intellectual Property Right

	Page NO
• Intellectual Property Right (IPR)	16
• Copyright	17
• Trademark	18
• Patent & Design	19
• Patent Act	20
• Process of obtaining Patent	21
• Rights and obligations	21
• Trade secret	21
• Geographical Indication	22

Ethics :-

Set of moral principles which refers in guiding the conduct of managers and employees in the operation of any enterprise.

Types of Ethics :-

- Professional Ethics
- Personal Ethics
- Social Ethics
- Corporate Business/Ethics
- Religious Ethics

Personal Ethics :-

- Guidelines for forming relationship decision making
- Personal morals and Code of Conduct
- Honesty, Loyalty, Respect

Professional Ethics :-

- Personal and Corporate Standard of behaviour.
- Transparency, Confidentiality and Punctuality.
- Carries additional moral relationships.

Social Ethics :-

- Collection of values & Behaviours
- Deals with human desires
- Equality
- Non-Violence

Corporate Business/Ethics :-

- Ethical principles in the business environment
- Integrity, Responsibility, Trust

Religious Ethics :-

- Religion's efforts to shape the character and guide the behaviour
- Do, The higher is individual's religiosity.
- Where ethics and religious are interconnected

Professional Ideas and Virtues :-

* Virtues are desirable ways of relating to other individuals, groups and organisation.

* To act ethically We need high degree of Courage

Integrity :-

First self direction virtues are those that are fundamental

in exercising moral autonomy and the responsibility
* Moral integrity is the unity of character on the basis of moral concern and especially on basis of honesty.

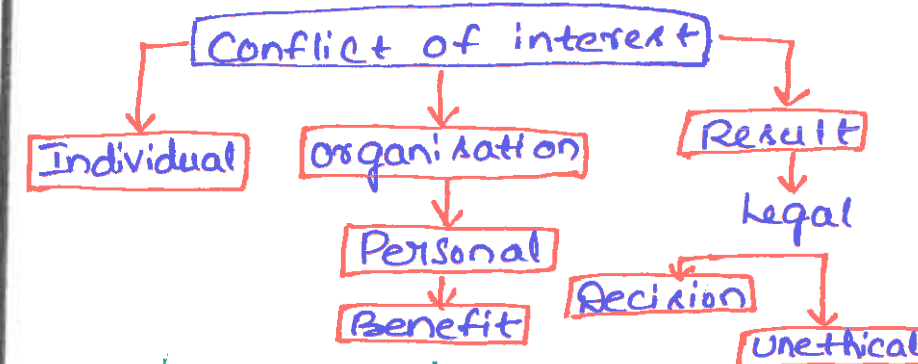
Honesty :-

Honesty has two aspects

- * Truthfulness
- * Trustworthiness

Self Respect:- It is valuing oneself in morally appropriate ways

Professional Responsibility:- other self direction virtues enter on commitment on putting understanding.
Ex:- Courage, self-discipline etc..



- Gifts and Bribes
- Interest in other companies
- Moral Status
- Insider information

MORAL DILEMMA: It is a situation where in a person is required to make a difficult choice

EX: Report the thief or ignore even when that person is stealing

How to solve:-

- Identification of moral factors
- collection of All Data
- Rank the moral options
- Generate alternate action
- Discuss various suggestions
- Solved problems

MORAL AUTONOMY:- The capacity to deliberate and to give oneself the moral law rather than merely dealing the injunction of others.

- Desicional Dimensional
- Practical Dimensional

PRINCIPLES:

Honesty → Integrity → Fidelity → Respect → do not harm others or self.

→ Fairness

KOHL BERG THEORY:

→ Pre conventional Morality!

Right and wrong determined reward /

Punishment

→ Conventional Morality

views of others matter Avoidance of blame: Seeking approval

→ Post conventional Morality

Abstract notions of Justice right of others can override obedience law/rule

KOHLBERG'S PYRAMID STAGES:



Contrast

CAROL GRILLIGAN'S STAGES:

→ Orientation to Individual survival

→ Goodness and self sacrifice reliance others social acceptance

→ do not harm others or self.

Ethical theories:

→ Golden Mean Ethics

• Proposed by Aristotle

• Virtual Balance b/w two Extremes

→ Duty Based Ethical Theories

• Follow the Duty strictly

• Theory proposed by Immanuel Kant.

→ Right Based Ethical Theory

* Proposed by John Locke

* Live and let live Philosophy.

* Every person has the right to live.

Utilization theory

Proposed by John Stuart

Act based theory right

leads to happiness of people

Happiness of greatest number of people in the society.

WHISTLE BLOWING

WHISTLE BLOWING: whistle Blowing is an act of drawing public attention or attention of an authority figure, to perceive wrong doing and unethical activity within Public.

TYPES OF WHISTLE BLOWING

INTERNAL

Occurs when person in a company misconduct to another Person and spread within organisation

EXAMPLE:

Swedish telecom operator "Telia" developed its own whistle blowing reporting system

EXTERNAL

Misconducting and corrupting to an outside source, like as police and medics

EXAMPLE:

Whistle blowers report directly to govt. agency or utilize Public outline for reporting fraud or abuse

PROBLEMS FACED

- Creates issue for both whistle blower and the people
- Leads to hostility and hospitality of people mislead
- Can cause loss of money, image and trust from people to the company whistle blowed and on Government

EXAMPLE:

Spreading over fake news on covid-19 to people in time of lockdown.

JUSTIFICATION AND AVOID MISLEADING OF WHISTLE BLOWING

- Being aware of fake articles, channels social media and websites
- Trusting assured and certified sources like new channels "BBC" and newspapers
- Regular surveillance, taking actions on spreading fake news by Government authorities.

PROTECTIVE DISCLOSURE

A disclosure is prohibited if it contains information related to:

- The sovereignty, strategic, scientific or economic interests of India, or the incitement of an offence;
- Records of deliberations of the council of ministers;
- That which is forbidden to be published by a court or if it is may result in contempt of court;
- A breach of privilege of legislatures;
- That relayed in a fiduciary capacity;
- personal matters or invasion of privacy.

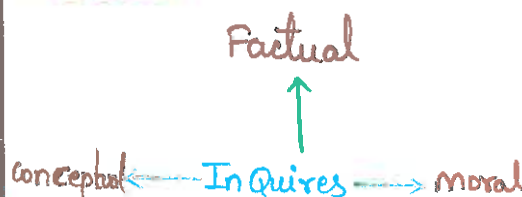
ETHICAL PROBLEM SOLVING

TECHNOLOGY

Analysis of issues in ethical problem:

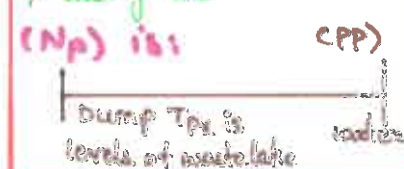
- Interstand all of the issues involved
- once these issues are determined, frequently a solution of the problem becomes apparent.

Issues involved in understanding ethical Problem



LINE DRAWING.

it can be used to reach these conclusion over problem can be inserted in between and \neq along the lines.



Factual issues:

- They involved what is actually know about a case.
- Though seems easy but are not always clear and may be controversial.
- Abortion rights (its an unclear fact)

Example:

Abortion issue. There is great controversy over the point at which point life begins and at which point a fetus can be legally protected.

CONCEPTUAL ISSUES

To do with meaning or applicability of an idea.

In case of bribe the volume of the gift is probably a well know fact. what isn't known is whether accepting it will lead to unfair influence on a business decision.

* Not clear cut and lead controversies as well

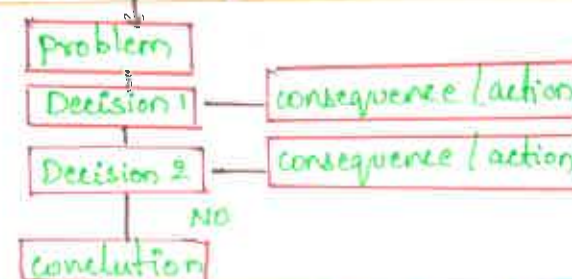
MORAL ISSUES

- Relate to morals of an act / individual etc.
- If we determine that is inded a bribe, then it cannot ethically be accepted.

FLOW CHATING:

It will be helpful for analyzing a variety of cases, especially these in which there is a dequence of events to be considered or a series of consequence that flows from each decision.

It gives a visual picture of a situation and allows you to readily see the consequences that flow.



ESSENTIAL STEPS FOR ETHICAL PROBLEM - SOLVING

- Determine whether there is an ethical issue dilemma.
- IDENTIFY the key value and principles involved
- Rank the Value or ethical.

* CHERNOBYL DISASTER *

Introduction - Chernobyl nuclear power plant is located in Ukraine. The RBMK reactor had no containment building to keep the radiation in when the reactor blew on April 26, 1986. It was rated 7 on the international nuclear event scale. The UK and the eastern US about 60% of radiation fallout launched. about 360,000 people needed to be moved.

Cause of the Accident

- Planned power reduction
- Power reached 50% at the beginning
- Turbine was switched off oscillations measured
- Turbine generator run down begun at 01:23
- No. of steam baffles increased
- Reactor unstable
- Power jumped to 17%
- The explosion was powerful enough to blow the 100 ton steel lid

Death

- 2005 IAEA report - 56 direct death, 47 - accident
- up to 4000 may have died long term disease
- Union of concerned scientist estimation - 4000 to 67,000 death

AFTERMATH

The other three reactors at Chernobyl conditional continued to operate because not enough power plant in Ukraine.

Conclusion

Since there was already an overcame of reactor when the regular shutdown occurred the control rods broke and the reactor burnt out.

* THREE MILE ISLAND ACCIDENT *

ABOUT

Date - March 28, 1979, Time - 4:00 AM
Location - Londonderry Township Pennsylvania
Outcome - 7NES level 5 designated - March 25, 1999

WHAT HAPPENED - Minor malfunction in secondary cooling circuit caused temp. in primary coolant. Reactor to shut down automatically to shut down turbine and reactor shutdown caused an increase in pressure.

Amount of Contamination

Hydrogen and some radioactive gases were released into atmosphere. A maximum of 13 million on air of radioactive gases release.

Clean up

- Around 12 years to complete
- cost of cleanup estimated at \$473 million
- Plant was not reopened until 1985

Ethical Reason

Operators were unable to respond properly

Deficient control instrumentation

Inadequate emergency response training

Suggestion

- Use human factors principles to design
- Better training program for operators
- Shift of plant priorities
- Better indicators for status containing power production to safety of values

* Fukushima Daiichi Accident *

ABOUT

Occurrence - 11 March 2011
Place of occurrence - Skuma, Fukushima, Japan
People affected - ~ 3,00,000
People died - > 1800
Scale - 7NES level 7 major accident

Introduction

- Located in Fukushima, the nuclear plant had 6 working nuclear reactors
- The facility was located at the sea shore for easier waste deposition.

Accident sequence on the triple disaster

- It was the largest earthquake in Japan
- 15-meter tsunami in motion
- earthquake the power grids were cut off
- over the need 3 days the nuclear fuel was exposed and it started.

Effects to environment

- Food stuffs were contaminated
- Radiation material was released
- emergency cooling water fed to the reactor

Effect on humans

- Experiencing chronic physical disease
- loss of job, loss of livelihood
- more than 3,00,000 people were forced to evacuate their home.

Conclusion

An unforeseen accident, the workers and the residents couldn't foresee the disaster sequence and hence weren't prepared for it.

Satellite Launch Vehicle:-

About SLV-3:-

SLV:- Satellite Launch Vehicle

Place:- Sriharikota

Date:- 10 August 1979

Lift off:- 7:48 AM

Main Cause:- Malfunction

Manufacture:- ISRO, India.

What happened exactly?

4 stages

1st → lift off leaving thick trail of vapour.

→ The vehicle squared at height of 23 km. at 60 seconds.

2nd → fatal malfunction in the control system.

→ Began rotating & twisting climb to an altitude of 50 km.

3rd → Burned out after 165 seconds.

4th → Injection of payload into orbit could not take place.

Suggestions:-

- * Using appropriate materials.
- * Implement safety features.
- * Usage of modern features.
- * Trained engineers.

Why did this happen:-

- * To control rocket failed to take over + in second stage.
- * Failure of one of its components.
- * Indian engineers had to depend on their own skills at almost every stage.

Ethical Reasons:-

- * Lack of poor safety culture.
- * Poor decision making.
- * Poor maintenance.

Space Shuttle Challenger:-

When and where it happened?

* On January 28, 1986, at 11:36 AM.

* Location:- Atlantic ocean off the coast of Florida. NASA, Kennedy Space Centre.

How it happened?

- * Causes of the disaster was the failure of two redundant.
- * O-ring seals in a joint in the shuttle's
- * Record-low temp of the launch had stiffened the rubber O-rings.
- After liftoff, the seals were breached.
- * The booster rotated & pushed from SRB to its end into ET's tank causing inner structure collapsed.

Causes:-

- * Decision made to launch.
- * Joint rotation (flexed).
- * Loss of compression on.
- * O-ring has malleable.
- * No crew module escape system.

Moral issues:-

- * The crew had no escape mechanism.
- * A safe exit was rejected as too expensive.
- * The crew was not informed of the problems in the field joints.

Outcomes:-

- * Loss of Challenger and crew.
- * Teacher in Space Project and Subsequent Spacelights.
- * Construction of replacement orbiter.

Solutions to solve problems:-

- * Establish safety advisory panel.
- * Reducing joint with captured fit.
- * Reduce joint with captured with 3rd O-ring.
- * Test a full range of operating conditions & temperature.
- * Add a crew escape system.

DC-10 JUMBO JET

What happened?

- ⇒ DC-10 JumboJet was operated by Turkish Airlines by McDonnell Douglas of California.
- ⇒ Cargo door failed, floor of passengers compartment collapsed.
- ⇒ 346 people died including staff on 3rd March 1974.

About

- ⇒ The maintenance on the DC-10 was suffering ~~total breakdown~~.
- ⇒ When the plane took off with the faulty hatch door was improperly locked.
- ⇒ The problem was first recognised in August 1969 and again in ground test in 1970.
- ⇒ At 12:30 as the plane reached at 11,000 feet the rear hatch door blew off which led to death of 346 people in forest outside Paris.

Design Process

- ⇒ In designing the air frame, McDonnell Douglas chose to make DC-10 like older.
- ⇒ Without proper approval they made several advancements.
- ⇒ The engineers were constrained to use airframe technology.
- ⇒ In July 1972, 3 inspectors certified Jumbojet modified to fix problems.

Cargo Door catching system

- ⇒ 3 choices :- Plug design / hydraulic / electric
- ⇒ McDonnell - Douglas went with the electrical system
 - Failure less likely
 - More catastrophic if it does fail
 - Failure of management

DOWNFALL OF KINGFISHER AIRLINES

About

- ⇒ Kingfisher Airlines was established in 2003 by Vijay Malya.
- ⇒ Owned by United Breweries group. On 9th May 2005 it started.

What led to the loss of company

- ⇒ Economic shutdown in 2008 & increase in fuel prices.
- ⇒ In September 2011 they had to exit "the Kingfisher red".
- ⇒ It had over a loss of ₹7000 crores in 2012.

How it became famous in a short period

Kingfisher offered three classes of travel, was the reason behind attracting customers.

1. Kingfisher first - Business class
2. Kingfisher class - Economy
3. Kingfisher RED - Basic class

Mistakes made

- ⇒ Lack of proper management and manufacturing management.
- ⇒ Frequent change of CEO more than once a year.
- ⇒ High class services at great loss.
- ⇒ Airline gifted to his son on his birthday.

Reason behind empire's downfall

- ⇒ Operational reasons and Bank dues.
- ⇒ Mismanagement.
- ⇒ Worst decision made.
- ⇒ Rise in fuel price.

Ethical reasoning

- ⇒ Less cared about minimal losses.
- ⇒ Royal services at minimal loss made company worse.
- ⇒ Lifestyle of Vijay Malya made the company also to run in the same way.

HIGHWAY SAFETY

Importance of Road Safety

Road safety refers to the methods and measures used to prevent road users from being killed.

Typical road users:

- * Pedestrians
- * Cyclists
- * Motorists
- * Vehicle passengers
- * Horse riders.

How to avoid road accidents:

- * Drive in the prescribed speed limits on the various roads...
- * Always put on helmets, seat belts before driving a cycles, vehicles.
- * Do not drink and drive.
- * Never use mobile phones while driving.

Types of Road accidents

- * Intersection Accidents
- * Interstate Accidents.
- * Rear-End Accidents.
- * Side-Impact Accidents

PREVENTIONS:

- * Organization.
- * Fact-finding.
- * Analysing of the facts found.
- * Selection of remedy.
- * Application of remedy.

Common Causes of road accidents:

- * Lifting.
- * Fatigue.
- * Dehydration.
- * Poor lighting.
- * Acts of workplace violence
- * Trips and falls.

INDIAN SPACE SHUTTLE CHALLENGER

- * **Launch date:** 23 May 2016 at 7:00 am List.
- * **Max speed:** 5,902 Km/hr.
- * **Manufacture:** Indian space research Organization.
- * **Height:** 16 m (52 ft) (Length: 6.5 m (21 ft))
- * **Status:** Testing prototypes.
- * **Mass:** 12 tonnes.

ABOUT:

* India's first rocket was launched by 'Vikram Sarabhai.'

* Vikram Sarabhai was launched from the Sriharikota Space on Friday. Indian startup space Aerospace launched the country's first privately developed rocket, Vikram-S into space on Friday with support from Indian space research organisation.

* This launch marks the 200th consecutive flight of the indigenous Rohini sounding rocket.

* Honorable former president Shri Ram Nath Kovind witnessed the 200th successive successful launch of RH200 with took off at 11:55am IST today, November 23, 2022 from JERIS launched ISRO.

THE FORD PINTO CASE...

THE WORST CAR
ALL THE TIME!!!

ABOUT THE PROBLEM

ABOUT:

- The PINTO, a subcompact car made by Ford motor company
- The Henry Ford were started the Ford company
- Became infamous in the 1970's for bursting into flames.
- It its gas tank was ruptured in a collision
- During the crash test a serious design flaw was discovered.

ETHICAL REASON:

- Ethical considerations of Ford engineers working on the project Pinto.
- To extent to which cost and schedule pressures led to the decision
- Not to fix the Pinto fuel system problem.
- The review that raised Ford researchers performed is called cost-benefit Analysis.
- which implies that a company has to choose a profit-maximizing strategy for their business
- By choosing between several different strategy options

FORD PINTO THE EXPLOSIVE HISTORY!

- The Pinto's design positioned its fuel tank between the solid
- Live rear axle and the rear bumper
- If the speed of the car crosses in 30mph the gas tank were likely to rupture causing a fire and explosion
- As many as 900 innocent people were died in catastrophic car accident involving Pinto cars
- NHTSA finally adopted a 30-mph collision standard in 1978
- In 1978 Ford was obliged to recall all 1971-76 Pinto's for fuel tank modification.

TITANIC

→ The ship sank about 2 hours and 40 min.

PROBLEM

WHAT? Titanic sank, ship hit iceberg, weak rivets.

WHEN? DATE: April 14th, 1912

WHERE? physical location: North Atlantic
Process location: Passengers UK to US

→ Titanic received six warnings of sea ice on 14 April, but was travelling about 22 knots

IMPACT OF THE OVERALL GOALS

SAFETY: 1500 Fatalities

VESSEL: lost entire ship - \$7,500,000

BUSINESS: liabilities, business loss - \$16,500,000

→ ROUTE: Southampton to New York

BUILDER: Harland and Wolffs, Belfast

COST OF TITANIC: GB £ 1.5 million

→ Titanic was build between 1911 & 1912 and began it's survey on April 10, 1912

CAUSES

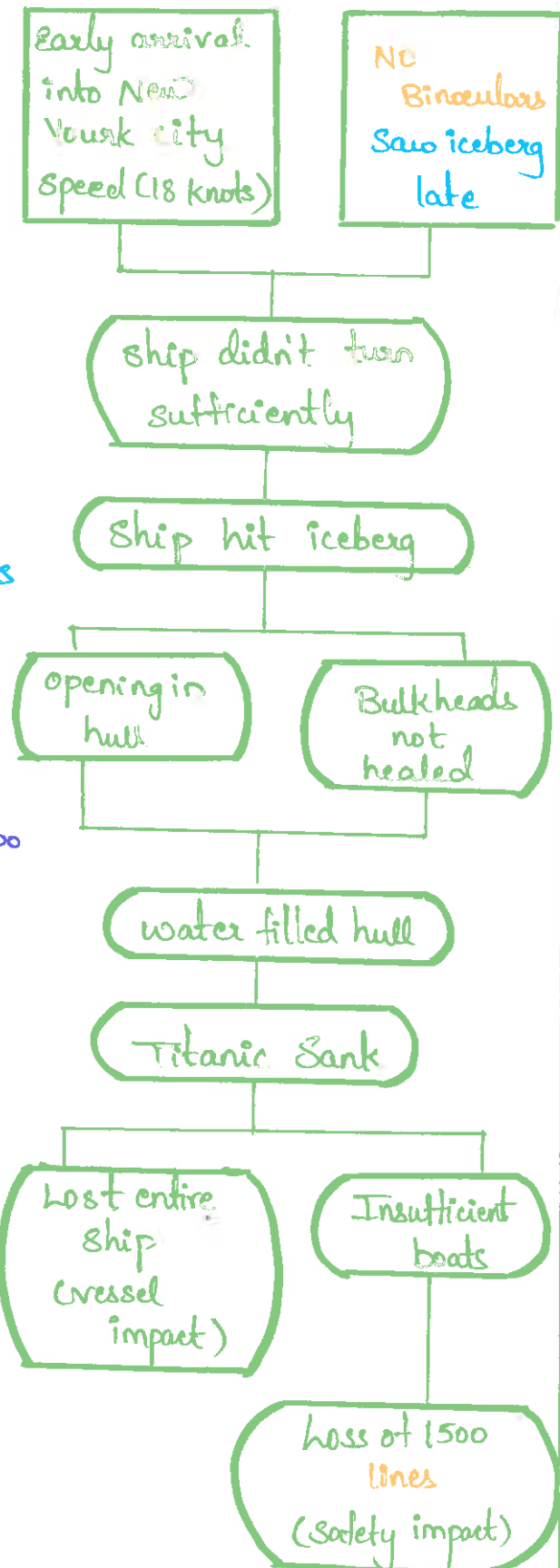
- * Insufficient lifeboats
- * Speed (18 knots)
- * Saw iceberg late

→ In the end, 706 people survived the sinking of Titanic

ETHICAL SOLUTIONS

- * Add more lifeboats
- * slow down with known iceberg

CAUSE ANALYSIS



IEEE

Institute of Electrical and electronics Engineers

1-Jan-1963

Piscataway, New Jersey

K.J. Ray Liu (2022)

New York City

4 lakh + members across 160 nations

Uphold professional integrity and ethics

To maintain and improve technical life.

Act lawfully

Seek and accept & offer honest criticism of work

Avoid conflicts of interest

Ensure co-workers to follow this code

Paramount safety, health and public welfare

Support and development

Treat everyone fairly and avoid harassment

NSPE - National Society of Professional Engineers

3rd Sep 1934

Official language English

First president:- David B. Steinman

FUNDAMENTAL CANONS

Perform Services only in areas of their Competence

Issue public statements only in an objective

Act of each employee or client as a faithful agents or trustees

Avoid deceptive acts

Welfare of public

OBJECTIVES

- Work closely with organisations
- Overcome the gap between genders
- National Engineers week found in 1951
- Engineering is an important, learned profession
- Engineer has a direct and vital impact.

ASME - American Society of Mechanical Engineering

Founded in 1880. 1,40,000 in 158 Countries

Reason:- Steam boiler pressure vessel failure

1st performance 1884 - Steam boiler
1st revision 1900 - ASME standard

Fundamental Canons

Hold paramount safety, health and welfare

perform services in Competence area

Promote professional and ethical development

Promote professional as faithful agents and avoid conflicts

Build reputation

Associate with responsible persons & organizations

Issues only objective & truthful statements

Environmental impact & Sustainable development

Engineers must make objective public remarks

CODE OF ETHICS

The code exhibit the rights, duties and obligations of the members of a profession. Codes are the set of laws and standard.

ROLE OF CODES

- * Inspiration and guidance
- * Support
- * Deterrence and discipline
- * Education and mutual understanding
- * Protecting the status quo
- * Promoting business interests.
- * Contributing to the public image.

STUDENT CODE OF CONDUCT

- * Positive attitude to learning.
- * Responsible for our own actions and own learning.
- * Mutual respect between staff and students and between students.
- * Behave professionally.
- * Avoid disrupting others in class
- * Do not use mobile phones during class.

- * Treat everyone with respect.
- * Expected to represent him or herself honestly and respectfully in all situations.
- * Academic honesty is expected to be maintained.

COMPUTER ETHICS

* **PRIVACY:**
Responsibility to protect data about individuals, companies, customers, employees and so on.

* **ACCURACY:**
Responsibility of data collectors to authenticate information and ensure its accuracy.

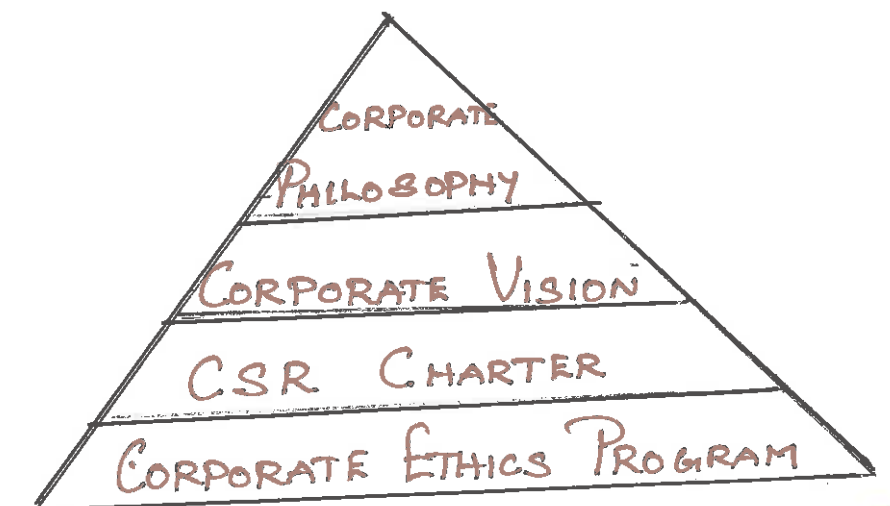
* **PROPERTY:**
Who owns information and software and how can they be sold and exchanged.

* **ACCESS:**
Responsibility of data collectors to control access and determine what information a person has and how information can be used.

CORPORATE ETHICS

- * Define the framework of the acceptable behavior.

- * follow high standards of practice.
- * Create benchmarks for self evaluation.
- * Enhance sense of community
- * Create transparency in business environment
- * foster higher standards of business ethics.
- * Comply with government laws and norms.
- * Employees should be educated about the corporate ethics code to make it relevant and real.
- * Reinforce the code within and beyond the organisation.
- * Gather feedback, measure effectiveness and continually improve the code of conduct.



INDIAN

CONSTITUTION

DR. B. R. AMBEDKAR.

26 NOV 1949 - Dr. Sachidhanandha

26 NOV 1950 - Dr. B. R. Ambedkar

FUNCTIONS.

1. Defines and limits the govt powers
2. Details the structure, rules, operating procedure of govt
3. Serves as the Supreme Fundamental law of nation & state.

LAWS

Rules are made by legislatures are called laws.

FUNCTIONS

- To regulate & work properly
- to protect us
- Tell us what consequences of our action
- Acts a glue.

THE CONSTITUTION OF INDIA PREAMBLE

We the people of India, having solemnly resolved to constitute India into [SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC] and to secure to all citizens:

JUSTICE - social, economic & political

LIBERTY - Expression, belief, faith & worship

FRATERNITY - Dignity of Individual & unity, Integrity of Nation.

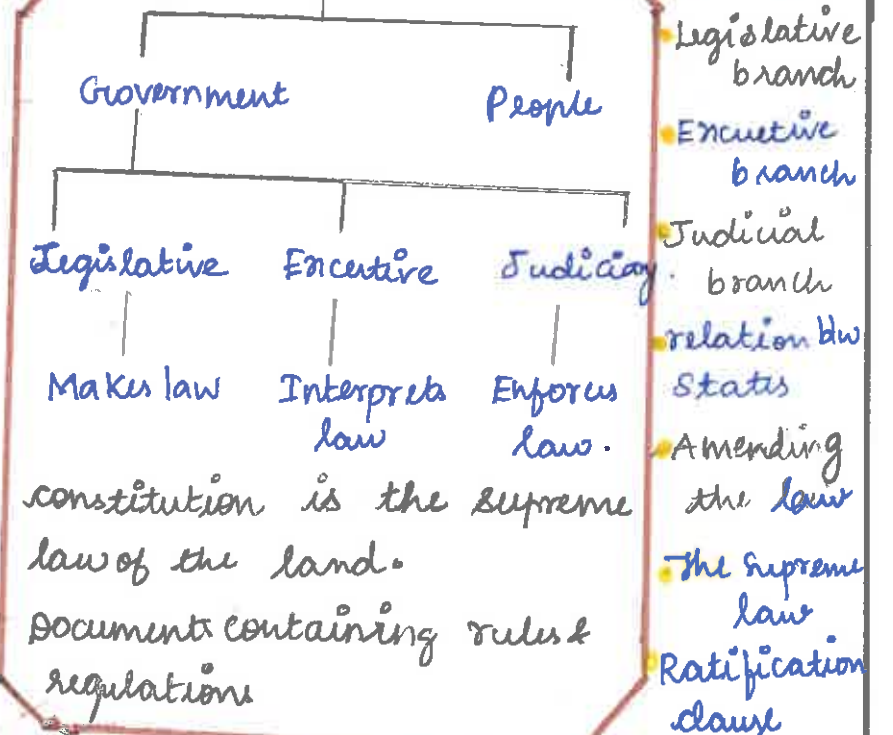
In Our constituent assembly this 26 day of November 1949 do Hereby adopt, Enact & give to ourselves this Constitution

* Governed by some set of rules.

* rules imposed by morality & custom that tell us what to do & what should not to do.

PARTS OF CONSTITUTION

CONSTITUTION.



CONSTITUENT ASSEMBLY.

A Constituent Assembly is a body assembled for the purpose of drafting or revising a constitution

President:- Rajendra prasad
Chairman:- Sachidhanandha Sinha.

FRAMING OF CONSTITUTION.

Drafting Committee
Chairman - Dr. B. R. Ambedkar.

385 members
292 [Legislative assembly]
93 [Princely states]

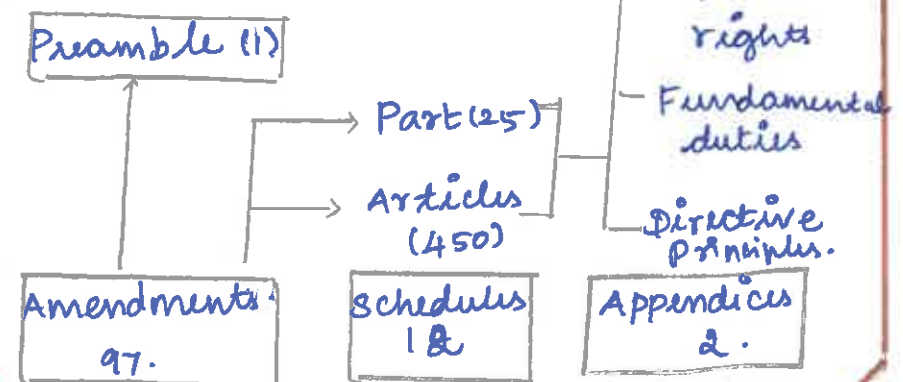
NEEDS OF CONSTITUTION:-

- To Govern the country properly
- Defines the nature of political system
- constitution guard if something goes wrong in a issue.

SOURCE:-

UK - Nominal rule / Head
US - Written constitution
USSR - Fundamental rights
Germany - Emergency provisions
Japan - Law of Supreme court.

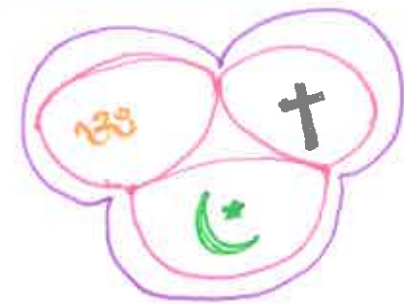
AMENDMENTS & ARTICLES.



- * Constitution guarantees the rights of citizens.
- * It marks out different spheres of power for different branches of govt.

- 1st Function - minimal world nation amongst members
- 2nd Function - specify who has the power to take decision
- 3rd Function - what govt can impose on citizen
- 4th Function - govt should fulfill the needs of citizens

FUNDAMENTAL RIGHTS



➤ Right to **EQUALITY**
[Article - 14 to 18]

Fundamental Rights are essential human rights that are offered to every citizen irrespective of caste, race, place of birth, sex and religion. These are equal to freedom and these rights are essential for personal good and the society at large.

Right to freedom of Religion

Everyone has right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief.

➤ Right to **FREEDOM**
[Article - 19 to 22]

➤ Right to Freedom from **EXPLOITATION**
[Article - 23 to 24]

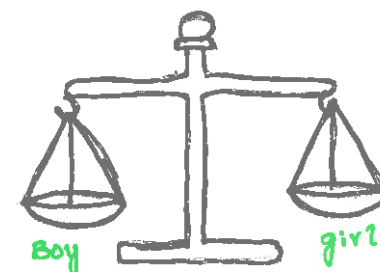
➤ Right to **FREEDOM OF RELIGION**
[Article - 25 to 28]

➤ **CULTURAL and EDUCATIONAL** Rights
[Article - 29 to 30]

➤ Right to **CONSTITUTIONAL REMEDIES**
[Article - 32]

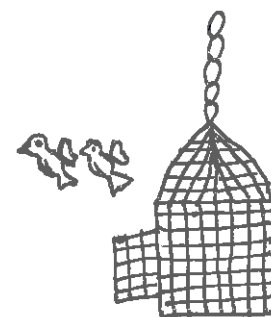
Right to Equality

The right to Equality means the absence of legal discrimination only on grounds of caste, race, sex, religion and place of birth.



Right To freedom

- Right to freedom of speech and expression
- Right to assemble
- Right to move freely without the territory of India, Trade or Business.



* Fundamental Rights are enshrined in part-III of Indian Constitution out 25 parts.

Right to Constitutional Remedies

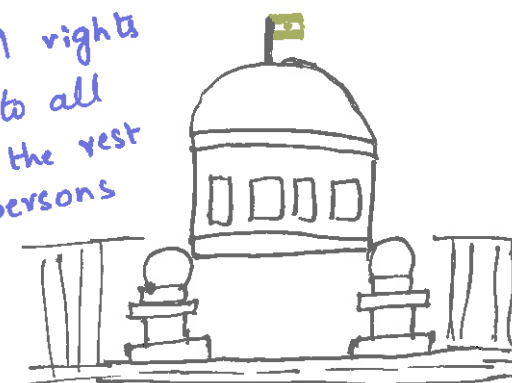
There is a right in India which states that a person can move to supreme court if he/she wants to get their fundamental rights protected. It is known as the right to Constitutional Remedies.

Right against Exploitation

- Prohibition of childlabours.
- It is called the practice of bonded labour.
- prohibition of traffic in forced labour & human beings.



Fundamental rights are available to all citizens while the rest are for all persons



Secularism :-

The principle of separation of the state from the religious institution.

⇒ Secularism is followed in democratic state of India.

⇒ Secularism was introduced to "Divide and Rule" brought by British.

⇒ All religions can peacefully co-exist.

Religious Freedom :-

Freedom of religion is a principle that supports the freedom of an individual [or] community.

- Foster respect
- Reduce corruption
- Encourage broader freedoms
- Multiple Trust.

Judicial Activism :-

It's a judicial philosophy holding courts can & should go beyond the law to consider broader societal implications & its decisions.

Judicial Activism

Creative & Innovation
Interpretation of law

Protection of foundation democracy

Judges allow their personal views.

Cross the lines that
separate judging.

Example ⇒ Brown vs Board of Education - 1954
The Supreme Court ruling the desegregation of public schools [USA].

Judicial Review

PIL

Public Interest Litigation

Methods

Supervisory power
of high courts
on lower court.

Constitutional
Interpretation

Right to Life & Personal Liberty :-

⇒ The fundamental right is available to every person, citizen and foreigners alike.

⇒ The Supreme Court of India has described that right as the "Heart of Fundamental right."

Right of Life & Suicide :-

There were many debates on whether this should continue. Since mental health experts have argued the people who attempt a suicide need counselling and not punishment.

Passive Euthanasia :-

⇒ Passive Euthanasia is a legal under strict guidelines.

⇒ In 2018, Common Cause, Union of India 2018, SCC 1 the SC legalised passive euthanasia by means of the withdrawal of life support to patients in a permanent vegetative state.

⇒ The court rejected active euthanasia by means of legal injection. Active Euthanasia is now as issued as illegal in India.

FUNDAMENTAL DUTIES IN INDIA

Article - 51A

* The fundamental duties of citizens were added to the Indian constitution by the 42nd Amendment.

* Initially when fundamental duties were proposed there were ten duties listed, later it was increased to the eleven by the 86th Amendment in 2002.

* They remind Indian citizens of their duty towards their society, fellow citizens and the nation while enjoying their right.

* The fundamental duties were imposed on the recommendation of the Swaran Singh committee.

SIGNIFICANCE

* It serves as a constant reminder to the citizens while enjoying their rights, the citizens should be aware of their nation and towards other citizens.

* These serve as a warning to the people against the anti-social activities that disrespect the nation like burning the flag, destroying public property.

* This helps in the promotion of a sense of discipline and commitment towards the nation. They help in realizing national goals by the active participation of citizens rather than a spectator.

MAJOR CASE LAWS

M.C. Mehta V. Union of India & Ors, 1988

A.I.I.M.S Students Union

V. A.I.I.M.S & Ors, 2001

Aruna Roy V. Union of India 2002

FEATURES

* The fundamental duties contained both the moral as well as civil duties.

* Through some of the fundamental duties are extended to foreigners as well as aliens but fundamental duties are only confined to Indian citizenship and do extend towards foreigners.

* The moral obligation of all citizens to help a spirit of patriotism and to uphold the unit of India.

THE FUNDAMENTAL DUTIES

1. Abide by the Indian constitution and respect its ideals and institutions, National flag and national anthem.

2. Cherish and follow the noble ideals that inspired the national struggle.

3. Uphold and protect the sovereignty, unity and integrity of India.

4. Defend the country and render national service when called upon to do so.

5. Promote harmony and brotherhood across India's religious and regional divides.

6. Value and preserve the rich heritage of the country's composite culture.

7. Protect and improve the natural environment including forest, lakes, etc.

8. Develop scientific temper, humanism and the spirit of inquiry and reform.

9. Safeguard public property and to abjure violence.

10. Strive for excellence in all individual and collective activities.

11. Provide education to his child between age of six and fourteen years.

Introduction

A situation which is not normal and calls for immediate action.

Kinds

State Emergency (Art. 356)

National Emergency (Art. 352)

Financial Emergency (Art. 360)

1. National Emergency (Art. 352)

Imposed due to war, external aggression, or armed rebellion.

After 44th Amendment, it is the President who can proclaim.

Examples

If India and Pakistan openly accept that they will use armed forces against each other.

Effects Of National Emergency

Effects On the Centre State Relationship

Effects On the life of Lok Sabha and the State Assembly

Executive

Legislative

Financial

Emergency Provision

2. State Emergency (Art. 356)

Also known as Constitutional Emergency or President Rule.

State Government function in a manner of Constitution.

Threat to the security of the State.

No Majority Party.

3. Financial Emergency (Art. 360)

If the President is satisfied that a situation has arisen where by the financial stability or credit India

Effects of Financial Emergency.

Effects of the executive authority of the Union over the financial matters of the state.

Reduction of salaries and allowance of all or any class of person serving in the state.

Reservation of all money bills or other financial bills for the consideration of the President after they passed by the legislative of the state.

Types Of Emergency In India

Basics Of Classification

Grounds of Declaration

Parliamentary Approval

Revocation of Proclamation.

Implementation

Judicial Review

Article

National Emergency

War, External Aggression, Armed Rebellion.

Approved by both houses by special majority within 1-month.

By President

By Resolution of Lok Sabha.

It has been involved 3 times

Allowed

352

State Emergency

Failure of Constitutional machinery.

Approved by both houses by special majority within 2-months.

By President

It has been involved more than 115 times.

Allowed

356

Financial Emergency

Financial Instability

Appr. by both house within 2-month.

By President

Not Yet Involved

Allowed

360

Some Examples of State Emergency

Natural Disaster

Epidemic or other Biosecurity risk

Medical Conflict

Civil Unrest

EXAMPLES

INTELLECTUAL PROPERTY RIGHTS (IPR):

The exclusive rights given to people for their creations, over the use of his/her creation for a certain period of time.

Purpose

- To serve moral rights**
Protecting the recognition and credits of the owner/creator.
- To serve economical rights**
Promoting economical outcome beneficial to the creator.

Intellectual Property

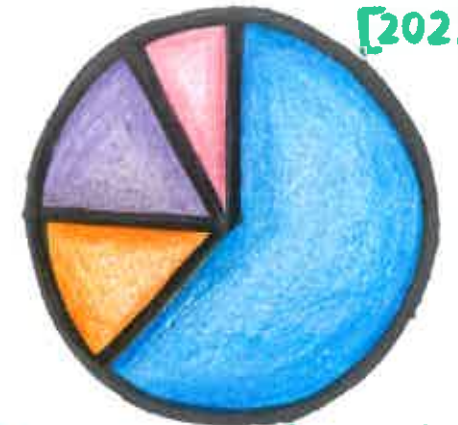
Inventions and developments Designs Literary work Artistic work

Objectives

OF THE IPR POLICY

- Encourages innovation
- Economic growth
- Safeguarding the rights of the creator
- Ensures fair trading
- Facilitates the transfer of technology.
- Legal protection.

WHICH IP HAS THE MAXIMUM FILINGS? [2021]



- Trademarks (17.2 M)
- Patents (3.3 M)
- Utility models (3 M)
- Industrial Designs (1.4 M)

Governed by

Established:
14 JULY 1967

HEADQUARTERS:

GENEVA, SWITZERLAND



WORLD
INTELLECTUAL
PROPERTY
ORGANISATION
WIPO

Intellectual Property Rights

Statistics

Achievements UNDER THE IPR POLICY

- Global Innovation Index
India's Rank: 52 [2019]
- Trademark filings
Increased by 28%
- Patent filings
Increased by 7%

PATENT ACT (1977)

PATENT Exclusively for inventions.

- Inventions like the light bulb, Wi Fi, Integrated chips
- Patents are also given for mathematical formulas.

TRADEMARK ACT (1999)

TRADEMARK Distinguishing aspect of brands.

- Symbols: Logos
- Words: Slogans
- Letters: Font/ Colour

TRADE SECRET ACT (1974)

TRADE SECRET Confidential information/ Strategies/ methods.

- Secret recipes
- Secret ingredients
- Formulas and methods

COPYRIGHT ACT (1976)

COPYRIGHT IPR for literary work/ Artistic work.

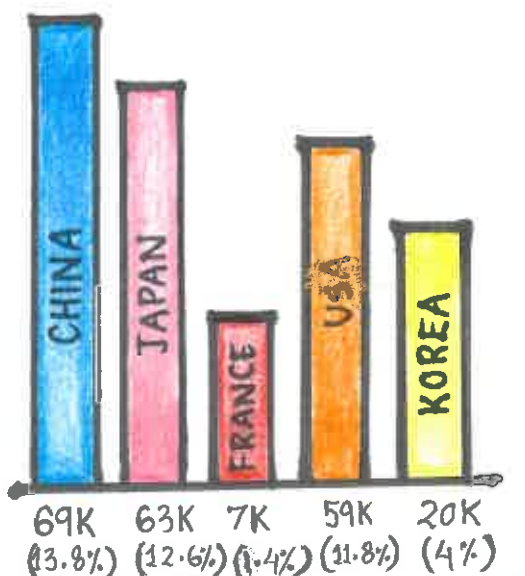
- Books
- Musical composition
- Sculptures
- Films

INDUSTRIAL DESIGN ACT (2000)

INDUSTRIAL DESIGN IPR for ornamental design/ aesthetic aspect

- physical design
- signature aspects.

WHICH COUNTRIES HAVE THE HIGHEST NUMBER OF IPR APPLICATIONS?



WHAT CAN BE COPYRIGHTED?

- Original literary
- dramatic
- Cinematograph
- musical works
- Sound recordings
- videos

COPYRIGHT INTRODUCTION IN INDIA

- The Indian copyright Act, 1914 was based on the Imperial copyright Act of 1911 passed by the parliament of UK
- According to this Act, the period of copyright for photographs was 50 years from the time it published

COPYRIGHT OFFICE AND COPYRIGHT BOARD

- Its established under the control of the register of copyright, who shall act under the direction of the central government.
- Copyright board consists of chairman and not more than fourteen other members
- The chairman is appointed for a period of 5 years and is also eligible for reappointment

PROCEDURE FOR REGISTERING A COPYRIGHT

File an Application
Copyright.gov.in

Examination
Third party representation

Registration
Should submit required documents

COPYRIGHTS

Definition: A Copyright is a type of Intellectual property that gives it owner the exclusive right to copy, distribute, adapt and perform a creative work for a limited time.

ESSENTIAL DOCUMENTS REQUIRED FOR COPYRIGHT REGISTRATION

- 3 copies of the work if the work is published, if not then 2 copies
- Information regarding the title and language of the work
- Information regarding the name, address and nationality of the applicant
- Applicant must also provide his mobile number and email address.

FUNCTIONS OF THE COPYRIGHT BOARD

- To inquire regarding the safe of publication of the work.
- To inquire Regarding the term of Copyright is shorter in any other country.
- To solve the disputes regarding the assignment of Copyrights
- To provide licenses for unpublished Indian works
- To address the grievances of the aggrieved party

POWERS OF COPYRIGHT BOARD

- Power to regulate its own affairs including the fixing of places and the times of sittings.
- The chairman has the rights to constitute benches and special benches in order to dispose the case before it.
- The chairman has the power to authorize any of the board members to exercise their powers.

OBJECTIVES OF COPYRIGHT ACT

- To stop the misuse of copyrights
- To help in protecting of copyrights of the person who holds the copyrights
- The copyright holder gives both the civil and the criminal remedies in case of infringement.

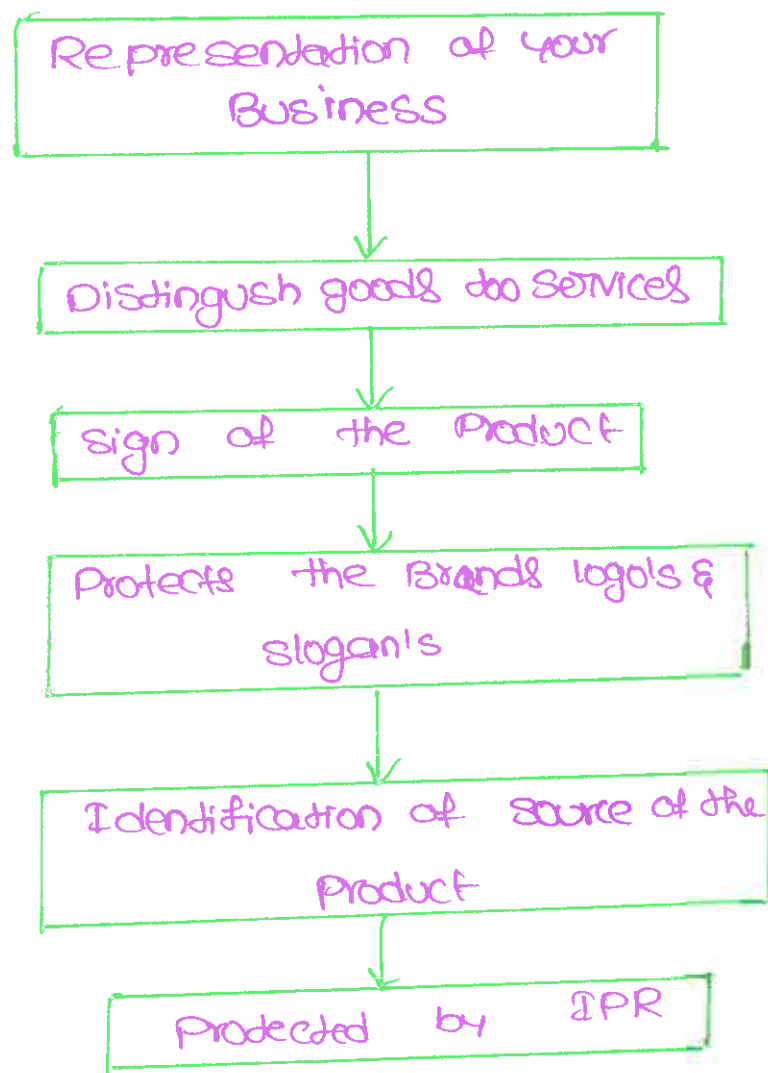
ADVANTAGES OF COPYRIGHT

The copyright holder can expect benefits like modification, right to reproduction, distribution, right to freedom to public display, and general performance.

TYPES OF COPYRIGHT IN INDIA

- Literary work
- Sound Recordings
- Dramatic Work
- Artistic work
- Cinematograph film
- musical works

TRADE MARK



In general:

- A word, phrase symbol design or combination thereof
- Business owner have a distinct business-name, motto, logo and symbolic representation.
- Brand names, corporate logos are - Primary example

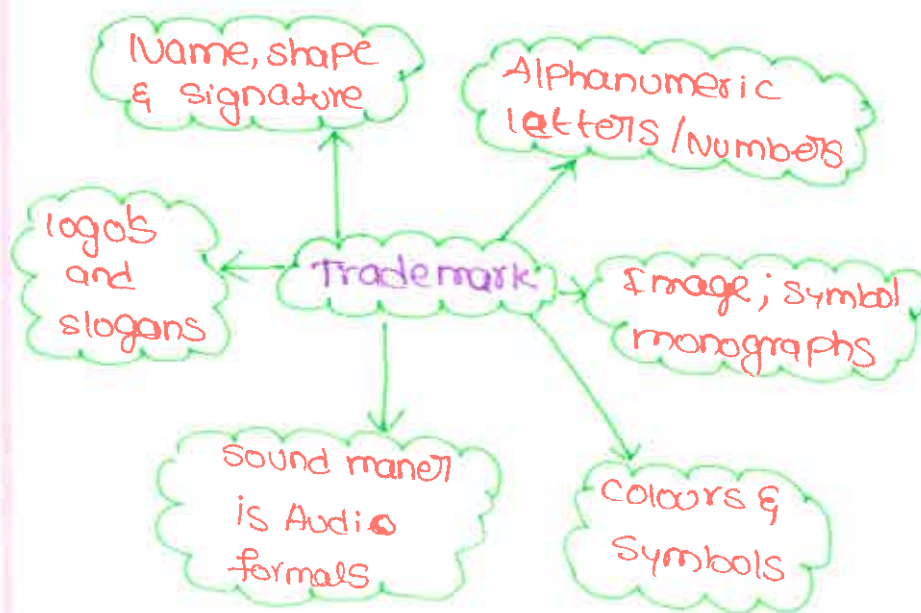
Examples

- Coca cola and Pepsi - Trademark from same industry
- Any products represent with Alter symbol.

Trade mark - objectives and Benefits

- Proof of the work made by every individual
- Indication of legally registered to establish laws helped to protect the marks
- large protection allows the owner and creator
- Essential for business environment
- It guarantees its quality

Advertisement of Product & its Services



Who can Apply?

- ✓ Any person
- ✓ individual company
- ✓ Business Sector

Process Authorities

- Registered by the "Controller General" of Patents Design & Trade mark
- Ministry of Commerce & Industry Govt. of India
- Registered under "Trademark Act 1999"

Registration Procedure:

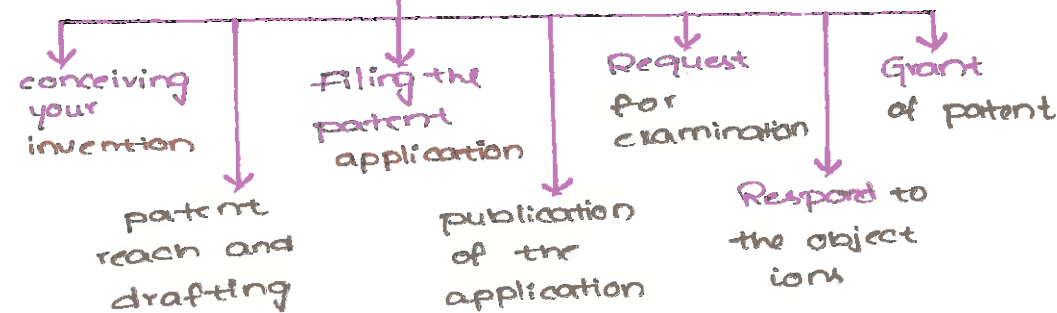
- Preparation of trademark logo copy monitoring the Application details.
- Particular of goods and services to register
- First usage date of trademark in India
- Signature of the power of Attorney is too - stamp paper
- Authorize a trademark Agent/Attorney to represent, research, conduct & drafting of trademark application
- Finding of trade application.
- Finding of similarity level of your trademark
- Filing of TM by trade mark Attorney with the trademark & send you the receipt
- Getting of an original representation sheet of your date mark as it has been filed with TM office few days after
- 16 months of year in trademark office for granting/not

The procedure for granting patents, requirements placed on the patentee, and the extent of the exclusive rights vary widely between countries according to national laws and international agreements

courts and commentators often treat intellectual property as if the private value of the rights stemmed entirely from the control legal rules conferred over the protected subject matter.

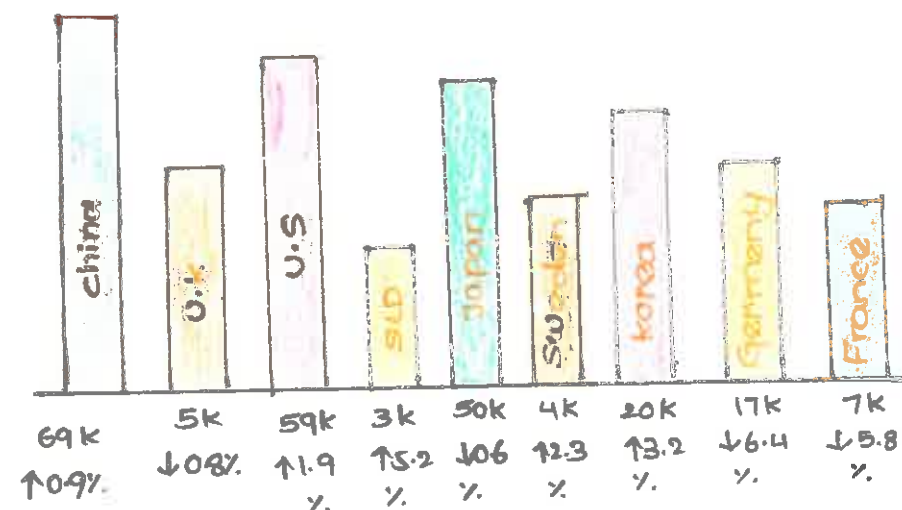
patents can reduce informational asymmetries between patentees and observers. Under some circumstances, the informational function of patents may be more valuable to the rights holder than the substance of the rights.

STEPS TO FILE A PATENT:



patent cooperation Treaty is an international patent law treaty, concluded in 1970. (called an international application).

Which Countries are the biggest users of the pat system?



Patents

patents: A means of credibly publicizing information

Laws and Regulations:

patent Act 1970, Amended in - 1999, 2002, 2005

patent rules, 2003, amended in - 2005, 2006

Types of Patent:-

utility patent: It's a long, technical document that teaches the public how to use a new machine, process or system.

provisional patent: If the inventor fails to file a formal utility patent within a year from filing the provisional patents, he/she loses the filing date.

Design patent: This patent offers protection for an ornamental design on a useful item.

plant patent: A plant patent protects new kinds of plants produced by cutting or other non-sexual means.

The Indian Patent Act :-

* In India the grant of the patents is governed by the patent Act 1970 and rules 1972

* The patents granted under the act are operative in the whole of India.

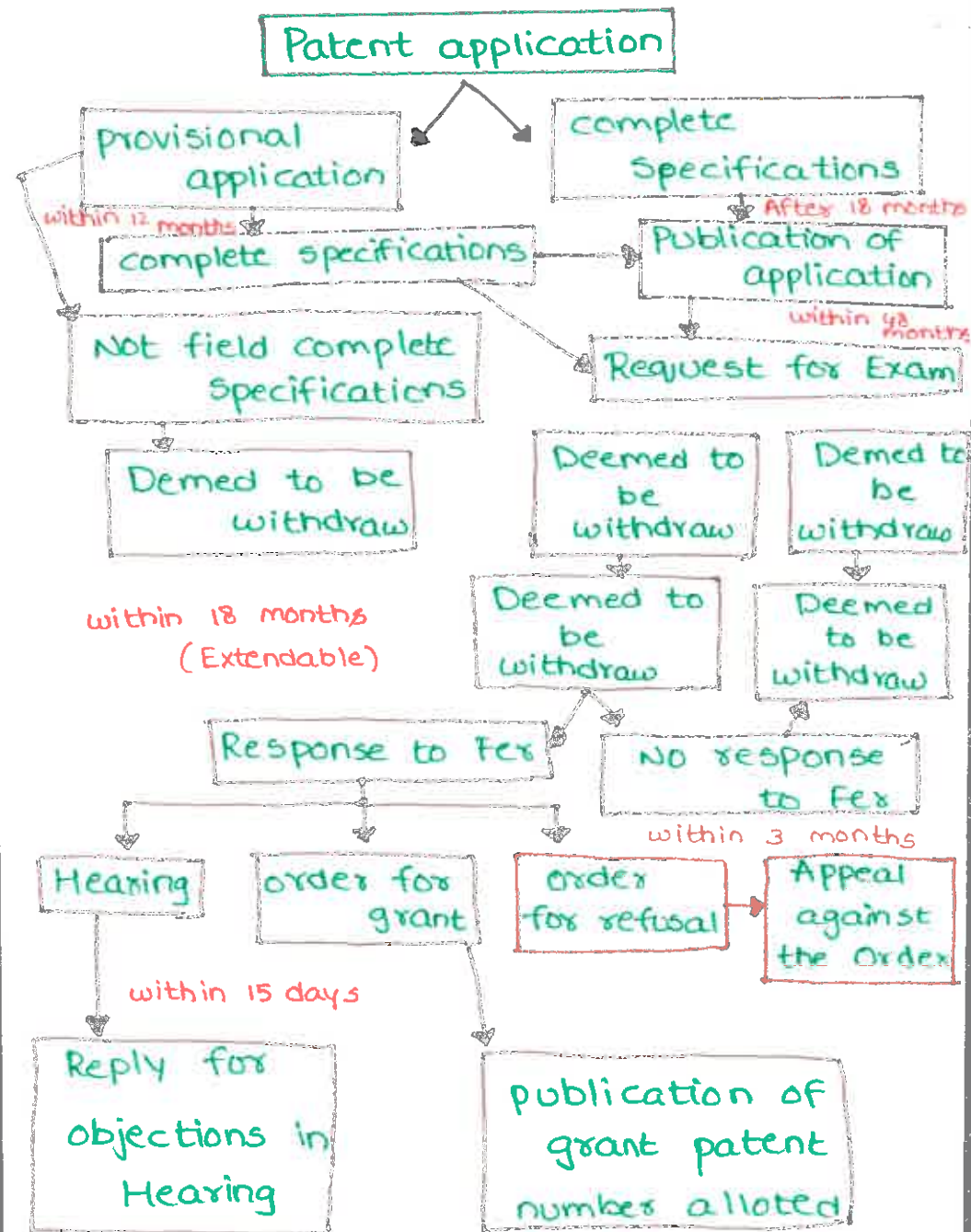
History :-

- * The patent law of 1856.
- * The patent and designs Act, 1911
- * The patents Act, 1970 & Rules 1972
- * The patent Rules, 2003 as amended by (Amendment) Rules, 2016.
- * The intellectual property Appellate Board (patents procedure) Rules, 2010.
- * The patents (Appeal and applications to the intellectual property appellate Board) Rules, 2011.

Trade Secrets :- A trade secret consists of any valuable business information. The business secrets are not to be known by the competitor.

There is no limit to the type of the information that can be protected as trade secrets.

Process of obtaining patent :-



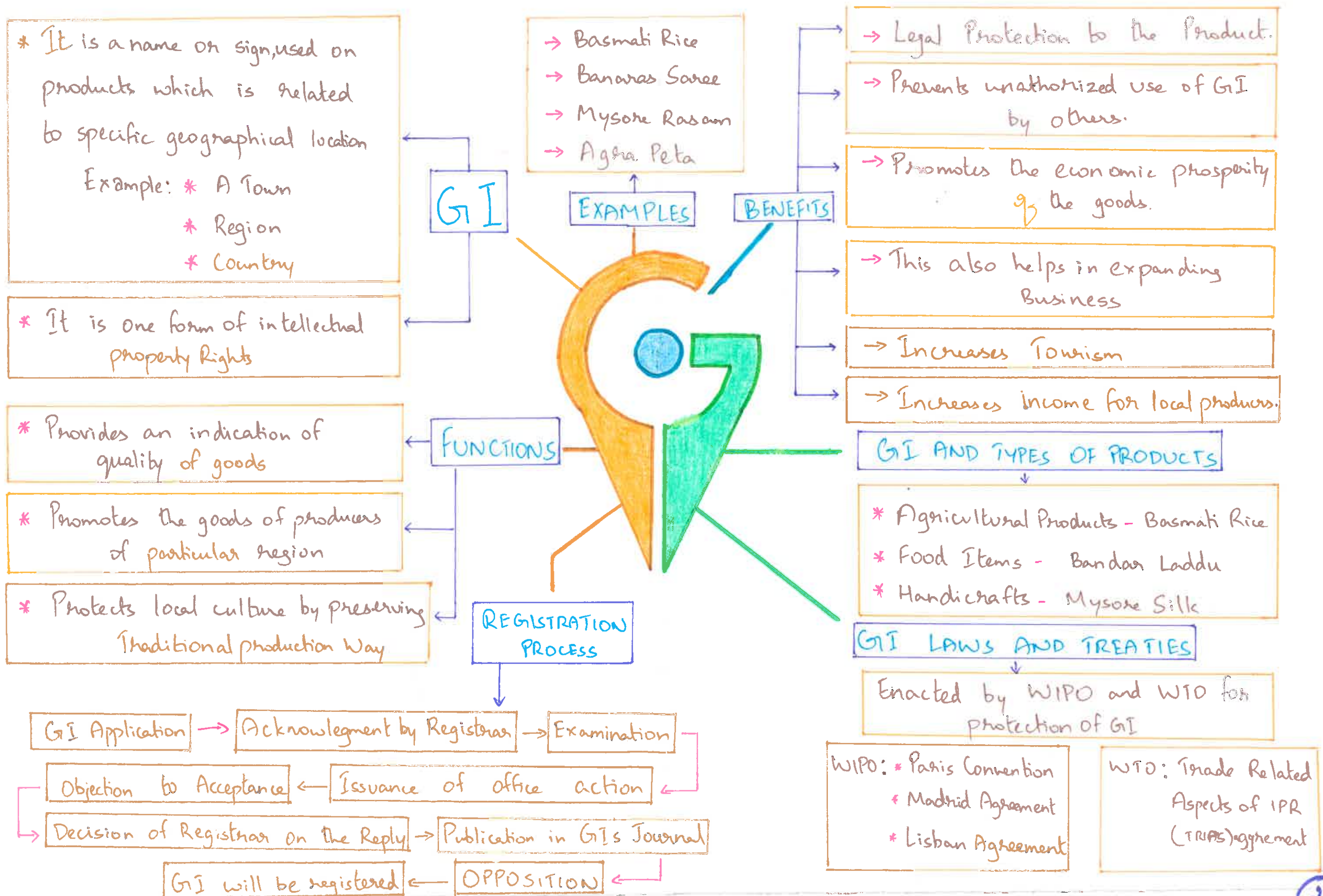
Rights :-

- Exclusive right to make, use, sell or import the patented invention.
- Exclude others from unauthorized use of the patented invention.
- Grant licenses, Assign rights or enter into agreements
- To sue others for the infringement.
- To Surrender patent rights.

Obligations :-

- Disclosure of the invention
- Exemption for research, experimentation, imparting the instructions to pupils
- Use of inventions for the Government's own purposes or for public services.
- Acquisition of inventions by Central government.
- prohibit or Restriction of publication of patent info considered relevant for the defense purpose.

GEOGRAPHICAL INDICATIONS [GI]



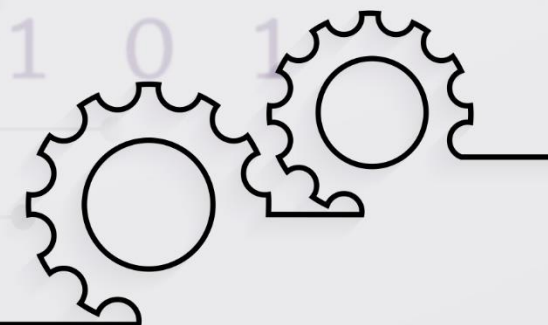


Engineer to Excel

SIMATS

SCHOOL OF ENGINEERING

Approved by AICTE | IET-UK Accreditation



Saveetha Nagar, Thandalam, Chennai - 602 105, TamilNadu, India