



Freedom of Speech of People holding Public Offices

For Mains: Code of Conduct for Civil Servants

Why in News?

Recently, the [Supreme Court](#) stated that **people holding public office should exercise self-restriction** and not blabber things which are disparaging or insulting to other countrymen.

- A five-judge Constitution bench reserved its verdict on whether **restrictions can be imposed on a public functionary's right to [freedom of speech and expression](#)**.

What are the Highlights of Judgement?

▪ About:

- The court observed **there is always a civil remedy available to citizens on account of a public functionary** making a speech that affects someone.
- The court noted that irrespective of what Article 19(2) may say, there is a **constitutional culture in the country where there is an inherent limitation or a restriction** on what people holding responsible positions say.
 - **Article 19 (2) relates to the powers of the State to make laws imposing reasonable restrictions** on the exercise of the right to freedom of speech and expression in the interest of sovereignty and integrity of the country, public order, decency, morality etc.

▪ Earlier Judgement:

- In 2017, a three-judge bench had **referred to the Constitution bench various issues for adjudication, including whether a public functionary or a minister can claim freedom of speech** while expressing views on sensitive matters.
 - The need for an authoritative pronouncement on the issue arose as there were arguments that a **minister cannot take a personal view** and his statements have to be in sync with government policy.
- The court earlier said that it **will consider whether the Fundamental Right of Speech and Expression would be governed** under reasonable restriction of decency or morality or other preferred fundamental rights would also have an impact on it.

What is the Code of Conduct?

- A code of conduct is a **set of rules, standards of behaviour or practices for an individual or organization that guide the decisions**, procedures and systems of an organization in a way that contributes to the welfare of its stakeholders.
 - For example, the **Election Commission of India's Model Code of Conduct** is a set of guidelines issued by the Election Commission of India for conduct of political parties and candidates during elections mainly with respect to speeches, polling day, polling booths, portfolios, election manifestos, processions and general conduct.
- Similarly, a **set of codes of rules are prescribed for civil servants** with regard to their

conduct in performing their duties.

What are the Seven Principles of the Code of Conduct for Civil Servants?

- **Selflessness:** Holders of public office **should take decisions solely in terms of the public interest.** They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- **Integrity:** Holders of public office **should not place themselves under any financial or other obligation** to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** **Holders of public office are accountable for their decisions** and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office **should be as open as possible about all the decisions** and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty:** Holders of public office have a **duty to declare any private interests** relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** Holders of public office **should promote and support these principles by leadership and example.**

Way Forward

- Some of the conclusions have general application across the entire public service which can be added on over and above the seven principles of public service.
 - **Codes of Conduct:** All public bodies should draw up Codes of Conduct incorporating these principles.
 - **Independent Scrutiny:** Internal systems for maintaining standards should be supported by independent scrutiny.
 - **Education:** More needs to be done to promote and reinforce standards of conduct in public bodies, in particular through guidance and training, including induction training.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. Identify ten essential values that are needed to be an effective public servant. Describe the ways and means to prevent non-ethical behaviour in the public servants. **(2021)**

Q. Distinguish between “Code of ethics” and “Code of conduct” with suitable examples. **(2018)**

Source: BS

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