

# Public office and Freedom Of Speech

Posted at: 07/11/2023

## Introduction:

The Supreme Court has ruled that those in public service should practice self-control and refrain from saying anything that is derogatory or demeaning to their fellow citizens. A five-judge Constitutional court has not yet decided whether restrictions on a public official's freedom of speech and expression are permissible.

## What are the Judgement's High Points?

1. The court noted that if a public official makes a speech that has an adverse effect on a person, individuals always have a civil remedy at their disposal.
2. The court stated that regardless of what Article 19(2) may state, the country has a constitutional culture that places an inherent limit or constraint
3. According to Article 19(2), the State has the authority to enact laws that impose reasonable limitations on the exercise of the right to free speech and expression when doing so is necessary for maintaining national sovereignty and integrity, public order, morality, etc.

## An earlier ruling:

1. A three-judge panel had referred to the Constitution bench in 2017 a number of concerns for decision, including whether a public official or minister can assert their First Amendment rights while expressing opinions on delicate subjects.
2. There were objections that a minister cannot take a personal position and that his words must be in line with government policy, hence the need for an authoritative statement on the subject arose.
3. The court previously stated that it would examine whether a reasonable restriction of morality or decency would apply to the fundamental right of speech and expression or if other favored fundamental rights would also have an influence.

## What is The Code of Conduct ?

1. A code of conduct is a collection of guidelines, expectations, or standards of conduct for a person or a group that directs an organization's policies, activities, and systems in a way that benefits its stakeholders.
2. For instance, the Model Code of Conduct of the Election Commission of India is a set of rules for how political parties and candidates should behave during elections, particularly with regard to speeches, election day, polling booths, portfolios, election manifestos, processions, and general conduct.
3. Similar to this, a set of guidelines are established for government workers regarding how they should behave when carrying out their responsibilities.

## What are the seven guiding principles of the civil servant code of conduct?

1. **Selflessness:** Decisions should only be made in the public interest by those holding public office. For the sake of obtaining money or other material advantages for themselves, their families, or their friends, they shouldn't do this.
2. **Integrity:** Public office holders shouldn't put themselves in any financial or other obligations to outside parties that could sway how they carry out their official responsibilities.
3. **Objectivity:** Holders of public office should base their decisions on merit when doing public business, including appointing public officials, granting contracts, or suggesting people for awards and perks.
4. **Accountability & responsibility:** Holders of public office are responsible to the public for their choices and deeds, and they must submit to the scrutiny that is suitable for their position.
5. **Openness:** People in positions of authority should be as transparent as possible about all the choices and acts they make. When the larger public interest clearly demands it, they should provide justification for their choices and only restrict information when necessary.
6. **Honesty:** Those in positions of authority have a responsibility to disclose any private interests that may affect their performance of their public duties and to take action to address any resulting conflicts in a way that safeguards the public interest.
7. **Leadership:** People in positions of authority should lead by example and support these values.

#### Way Forward:

1. Over and above the seven principles of public service, several of the conclusions have broad applicability to the entire public service.
2. All governmental organisations should create codes of conduct that incorporate these values.
3. Independent Examination: Internal processes should be supplemented by independent scrutiny in order to maintain standards.

