

Unit - III Chapter - 7 Code of Conduct and Discipline

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Objective: The objective of this chapter is to make the students understand:

1. Code of Conduct:
 - The concept of Code of Conduct;
 - Significance of Code of Conduct;
 - Committees on Code of Conduct;
 - Code of Conduct of the Civil Services;
2. Discipline and Disciplinary Procedure; and
3. Issues and Problems.

Introduction

India, undergoing the reform process and on the threshold of achieving modernity requires a committed workforce. In a vast and diversified country, it is challenging to attain its objectives of taking the economy and society forward. Civil services are the primary instrument through which the government can usher in changes to improve the systems. The country requires men and women of high integrity to perform this challenging task. As all cannot be expected to maintain their integrity and conduct on their own, the civil services have specific rules that everyone has to follow. These rules are the conduct rules or the Code of Conduct of the civil services.

Meaning of Code of Conduct

A Code of Conduct consists of a set of rules, standards of behaviour for an employee. It acts as a guide to his actions both at work and in his personal life. It is legally enforceable. In simple words, the code of conduct for the civil servants specifies the Do's and Dont's for them. Disciplinary action can be initiated against a civil servant in case of a breach. The procedure of the disciplinary proceedings and the quantum of punishment has also been standardised to ensure uniformity.

Significance of Code of Conduct

According to the Administrative Reforms Commission (ARC), the administration requires qualified and efficient workers and men of high integrity. Unfortunately, not all employees/civil servants have these qualities. To maintain integrity, the services have a service-specific code of conduct that all employees must follow. The Code of Conduct helps in disciplining the employees if they abuse their authority. The significance of the Code of Conduct is as follows:

1. The Code of Conduct helps in ensuring that the civil servants/employees use their authorities to serve the people and do not abuse the authority they have to further their own ends;
2. The Code of Conduct helps in maintaining the political neutrality of the civil servants by ensuring that they do not take part in political activities that are prejudicial to the interests of both the services as well as the people;

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3. The Code of Conduct is a benchmark that all are required to follow. If any employee/civil servant breaks the Code, then disciplinary action can be initiated against him. It ensures that employees perform their work diligently;
4. Code of Conduct helps in bringing uniformity in dealing with breaches of conduct;
5. Code of Conduct helps in upholding the values of integrity, honesty, impartiality, objectivity, dedication to public services, empathy and compassion in the civil services;
6. The Code of Conduct helps in making civil servants ideal role models for the people; and
7. The Code of Conduct also helps in nurturing honest employees by punishing the dishonest ones in case of breaches.

Committees on Code of Conduct

1. First Administrative Reforms Commission (Report on Personnel Administration, 1969)

The First Administrative Reforms Commission, in Chapter IX of its Report on Personnel Administration, highlighted the importance of the maintenance of a high standard of personal conduct and observance of discipline and stated that there must be a clearly adumbrated code of correct official behaviour and a provision for the punishment of those who deviate therefrom. It further stated that there should be a provision for punishing slackness and inefficiency.

2. Santhanam Committee (Committee on Prevention of Corruption, 1964)

Santhanam Committee, for the first time, recommended introducing a set of conduct rules. The committee recommended uniform conduct rules to maintain the integrity and inculcate values like altruism and empathy for the poor that are hard to imbibe after joining the services. These need to be instilled in childhood through schools and family.

3. Hota Committee Report 2004

Hota Committee recommended drawing up a Code of Ethics for civil servants to imbibe values of integrity, merit and excellence in civil services. It also recommended that each department should provide in detail the services to be delivered, methods of grievance redressal and measures to evaluate performance.

4. Second Administrative Reforms Commission

Second Administrative Reforms Commission, in its fourth report on 'Ethics in Governance', in January 2007, recommended drafting a Bill – The Civil Services Bill - on Ethics to ensure a statutory basis to the Code of Ethics. The Commission felt that the civil servants need to be guided by values like integrity, impartiality, objectivity, dedication to public service and empathy and compassion towards weaker sections.

Civil Services Code of Conduct

A competent civil service is indispensable for the growth and development of a modern welfare state. The civil servants have to work in a politically charged environment in democratic countries. They have to remain politically neutral, accountable, transparent and responsive to the needs of society. So, civil services require highly qualified and skilled individuals who have high integrity.

The framers of the Indian Constitution have ensured that the civil servants are protected from political influence by inserting Articles 309 to 312 in the Indian Constitution. These provisions empower the Union and State legislature to regulate the recruitment and conditions of service of the civil servants. It also guards against their arbitrary dismissals. Rule of Law has been included as a fundamental feature of our Constitution by its makers.

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Conduct Rules have been made for the personnel working in the civil services. There are the All India Services (Conduct) Rules, 1968 for the All India Services and Central Civil Services (Conduct) Rules, 1964 (updated) for the Central Civil Services to guide the civil servants and their conduct. The Conduct Rules of most civil services are similar to each other, except for the service-specific differences. Following are the Conduct Rules based on the All India Services and Central Civil Services (Conduct) Rules:

CODE OF CONDUCT



**FOR CIVIL SERVICE
EMPLOYEES**

Code of Conduct

1. Every member of the civil service is to maintain absolute integrity and devotion to duty and should do nothing unbecoming of a member of the civil service:
 - a. Every member is to maintain high ethical standards, integrity, honesty, political neutrality, accountability and transparency, responsiveness, courtesy and good behaviour;
 - b. Every member is to discharge his duties courteously and not adopt dilatory tactics in dealing with the Public;
 - c. Every member is to commit himself and uphold the supremacy of the Constitution and democratic values, defend and uphold the sovereignty and integrity of the country, take decisions in the public interest, not place himself under any financial or other obligation to any individual, not misuse his position as a civil servant, refrain from doing anything that may be contrary to law, act with fairness and impartiality, maintain discipline in discharge of his duties, maintain confidentiality and perform his responsibilities with the highest degree of professionalism and dedication to the best of his abilities;
 - d. Every member must act as per his own best judgment to be true and accurate except when he is acting under the direction of his superior.
2. No member is to use his position or influence directly or indirectly to secure employment for his family with any private organisation or an NGO.
3. No member of the service should be a member of or be associated with any political party or a political organisation. He must not take part in, or subscribe to or assist any political movement or political activity.
4. Civil servants should not publicly criticise government policies in any communication to either the press or the radio in his name, anonymously or under a pseudonym.
5. No member of the civil service is to, except with the previous sanction of the Government, give evidence in case of any inquiry conducted by any person, committee or authority.

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6. No member of the civil service, except under an order of the Government or while performing his duties, communicate directly or indirectly any official document or part of a document to any other person who is not authorised to know.
7. No member of the civil service can request, or receive, contributions to or otherwise associate himself with the raising of any fund in cash or in-kind in fulfilment of any objective.
8. A civil servant may accept gifts from his relatives or personal friends on the occasion of weddings, anniversaries, funerals or religious functions. Currently, he has to report to the government in case the value of the gift exceeds:
 - a. Rs 25,000 in the case of an employee holding Group A post.
 - b. Rs. 15,000 in the case of an employee holding Group B post.
 - c. Rs. 7,500 in case of an employee holding Group C post.

In other cases, a government servant is not to accept any gift without the sanction of the government if the value of the gift exceeds:

- a. Rs 5000 in the case of Group A and Group B employees.
- b. Rs 2000 in the case of Group C and Group D employees.

Earlier, there were no specific provisions for gifts from foreign dignitaries. After the Amendments in 2021, the threshold of a civil servant to retain gifts is Rs. 5000, and if the gift is of higher value, then it is as per Toshakhana rules.

9. No Government servant should give or take or abet the giving or taking of dowry. He should also not demand any dowry directly or indirectly, from the parent or guardian of a bride or bridegroom.
10. No member of the service should receive any complimentary or valedictory address, except with the government's prior permission. He should not accept any testimonial or attend any meeting or entertainment held in his or any other civil servant's honour.
11. No member of the civil service is to, except with the previous approval, directly or indirectly partake himself in any trade or business or accept any other paid employment, canvass in support of any business of insurance agency owned by any member of his family.
A civil servant can, however, undertake honorary work of social or charitable cause, literary or scientific or artistic work, provided it does not interfere with his official work.
12. No member of the service should sub-let, lease or otherwise allow any other person to occupy a government accommodation allotted to him.
13. A member of the Service should manage his private affairs in a manner that he avoids habitual indebtedness or insolvency.
14. A member of the civil service should submit a return of his assets and liabilities to the government. The returns must include immovable property owned or acquired, shares, debentures, other movable property and debts and other liabilities.
15. A member of the civil service should not bring any political or other influence on the superior authority to further his interests.
16. No member of the civil service who has a living spouse shall contract another marriage with any person. Moreover, a civil servant cannot enter into or contract marriage with a person having a living spouse. The government may permit an employee to enter into or contract such a marriage if it is permissible under the personal law of the employee or there are sufficient grounds for doing so.
17. A member of the civil service should not be under the influence of any intoxicating drinks/drugs during his duty. He should not consume any such substance at a public place or appear in a public place in a state of intoxication.

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18. No member of the civil service is to speculate in any stock share or other investment.
19. No government servant should employ any child below the age of 14 years for work.

Discipline

Every civil servant is expected to conform to the conduct rules during his service, but there are always a few who will willfully or by mistake break the conduct rules. A civil servant who breaks the conduct rules and is not punished set a bad example for others to follow. Besides, it also results in lowering the morale of the other employees. Since everyone cannot be expected to follow the conduct rules, there is a need for disciplinary proceedings if someone breaks the conduct rules.

Disciplinary proceedings conducted by the departments or a central agency lead to disciplinary action against an employee who breaks the conduct rules. It also acts as a corrective action to prevent him/her and other employees from breaking the conduct rules. According to *Dr Spriegel*, Discipline is the force that prompts an individual or a group to follow the rules, regulations, and procedures that are considered obligatory for accomplishing an objective. The force or fear of force restrains an individual from doing things which are thought to be destructive of group objectives. It also includes enforcement of penalties for violations.

DISCIPLINARY PROCEEDINGS



Causes of Disciplinary Proceedings

I. Acts amounting to Crimes

Disciplinary proceedings may be initiated against an employee/civil servant due to any or a few of the following reasons:

- a. **Embezzlement** – Misappropriation of assets entrusted to the employee/civil servant;
- b. **Falsification of accounts** – An employee/civil servant willfully and with the intent to defraud, destroy, change, mutilate or falsify accounts;
- c. **Fraudulent Claims** – Fraudulent claims are when an employee/civil servant intentionally leaves out, alters, or misinterprets important information to claim something/money. Examples, Transport Allowances and Leave Travel Concessions;
- d. **Forgery of Documents** – Forgery of a document is making a false document, part of the document with the intent to cause damage or injury to other people or to support his/her claim;
- e. **Theft of Government Property** – Theft of government property is when an employee/civil servant takes government property for his personal use or sells it;

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- f. **Defrauding Government** – Defrauding the government of money or property by deception;
- g. **Bribery** – Bribery means an employee/civil servant gives, agrees to give or receives money or reward;
- h. **Corruption** – Corruption is any unlawful, illegal or improper behaviour to gain pecuniary benefit through illegitimate means;
- i. **Possession of Disproportionate Assets** – Possessing assets beyond the means of known sources of income; and
- j. **Offences related to other Applicable Laws** – This relates to employees/civil servants not conforming to other laws applicable to them.

II. Conduct amounting to misdemeanour

- a. **Disobedience of Orders** – Disobedience of Orders means an employee/civil servant willfully disobeys any order/directions;
- b. **Insubordination** – Insubordination means being insubordinate or disobeying an order of the lawful authority;
- c. **Misbehaviour** with:
 - i. Superiors;
 - ii. Colleagues;
 - iii. Subordinates; and
 - iv. Public.
- d. **Misconduct**:
 - i. Violation of Conduct Rules;
 - ii. Violation of Standing Orders;
 - iii. Intrigues and Conspiracy; and
 - iv. Insolvency.

Form of Disciplinary Action

After the due procedure, the authorities impose penalties on the employees/civil servants who break the conduct rules, commit crimes, or perform acts leading to misconduct and misdemeanour. Penalties imposed vary as per the severity of the crime and are categorised as follows:

Minor Penalties: Minor penalties are imposed on the employees/civil servants after they commit minor crimes and include the following:

1. **Censure** – Censure is expressing severe disapproval of something done by someone in a formal written statement;
2. **Withholding of promotion** – An employee/civil servant is not given promotion as a penalty for a fixed time;
3. **Recovery** – Recovery is when the government recovers a part of or whole of the monetary loss from the employee/civil servant who causes it. The loss may be due to his negligence or breach of orders; and
4. **Withholding of Increments** – Increment of the civil servant is withheld on account of a minor penalty.

Major penalties: Major penalties are imposed on the employees/civil servants after they commit major crimes and include the following :

1. Reducing to a lower stage in the time-scale of pay for a specified period;

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2. Compulsory retirement as a major penalty;
3. Removal from service that does not disqualify an employee/civil servant from future employment under the government; and
4. Dismissal from service that ordinarily disqualifies an employee/civil servant for future employment under the government.

Authority to Institute Proceedings

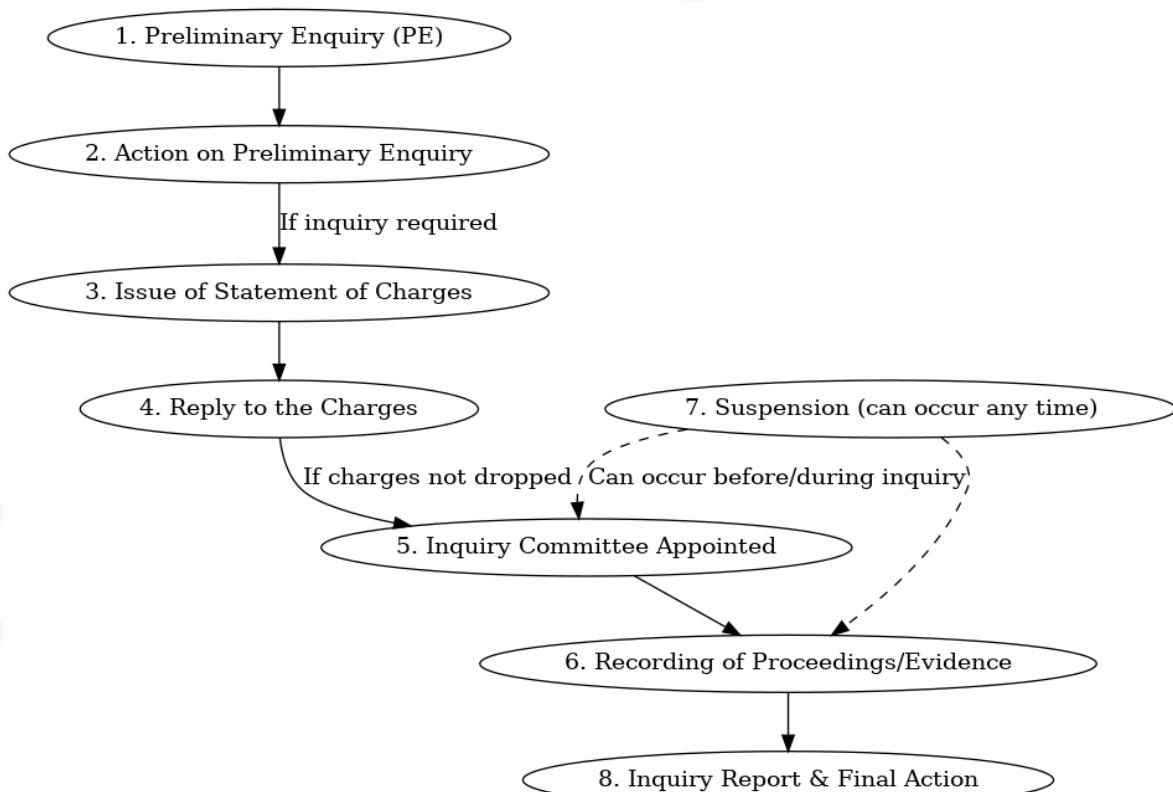
In the case of civil servants – of Central Civil Services – the authority to institute proceedings are:

1. The President or any other authority authorised by him may:
 - a. Institute disciplinary proceedings against any government servant; and
 - b. Give directions to a disciplinary authority to institute disciplinary proceedings against a government servant.
2. A disciplinary authority may impose penalties after instituting disciplinary proceedings.

Disciplinary Proceedings

Penalties cannot be imposed on the employees/civil servants without the proper disciplinary proceedings instituted and conducted by the disciplinary authorities. The disciplinary authorities generally follow the following procedure for imposing penalties:

Procedure of Disciplinary Proceedings



- I. **Preliminary Enquiry (PE):** After a crime has been committed and comes to the notice or is conveyed to the authorities, the authorities start the disciplinary process. The first step in the

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process is to conduct a Preliminary Enquiry. Its primary objective is to decide whether not there is a *prima-facie* case against the employee for proceeding against him.

A Preliminary Enquiry is also held when the authorities identify a breach or loss but are unsure of the person responsible. PE is also conducted when the levied charges are ambiguous and unspecified. However, it is not compulsory to conduct a Preliminary Enquiry in every case.

II. Action on Preliminary Enquiry: After submitting the report of the Preliminary Enquiry, the competent authority examines it and decides about the future course of action. If *prima-facie* there is no case, then the file is closed. However, further investigations are undertaken after the charges are conveyed to the employee/civil servant if the crime has taken place.

III. Issue of Statement of Charges: The employee/civil servant informed in writing about the grounds and circumstances of the disciplinary action. Article 311(2) of the Indian Constitution states that an order imposing a penalty can only be passed after an enquiry is held. Therefore, the concerned employee/civil servant has to be given a reasonable opportunity to reply to the charges levelled against him/her.

A list of documents is also provided to the employee/civil servant wherein the charges are levelled. The charges are as given in the ‘Causes of Disciplinary Proceedings’.

IV. Reply to the Charges: On receiving the statement of charges, the employee/civil servant has to reply within a specified time.

V. Inquiry Committee: After the employee/civil servant replies to the charges framed against him/her, the government constitutes an Inquiry Committee and appoints members if the need arises. In the case of civil servants, an official of the Public Service Commission is also a member. The Inquiry Committee questions/interrogate the employee who may present his/her case himself/herself or take the help of a lawyer.

VI. Recording of Proceedings/Evidence: All the proceedings are recorded during the questioning of the employee/civil servant and the witnesses. All case material is attached with the report of the enquiry committee.

VII. Suspension: If the competent authority is satisfied with the charges levied against an employee/civil servant, it can suspend him/her during the time of the enquiry. The employee/civil servant is suspended so that he/she does not use his/her official position to interfere in the process of investigation.

VIII. Report: The Inquiry Committee gives a detailed report of the investigations and the penalty recommended thereof. The complete report includes:

- a. The statement of charges and the allegations levelled against the employee/civil servant;
- b. Reply to the charges by the employee/civil servant;
- c. Evidence in support of the charges;
- d. Evidence by the employee/civil servant, in his/her defence;
- e. Detailed findings of the inquiry committee; and
- f. Recommended penalty.

Appeals

An employee/civil servant who has been charged has the following provisions regarding Appeals:

1. **Orders against which no Appeal Lies:** No appeals can lie against -
 - i. Any order made by the President of India;

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- ii.* Any order of interlocutory nature (interim nature); and
- iii.* Any order passed by the inquiry committee in the course of the inquiry.

2. Orders against which Appeal Lies: Orders against which appeal lies include -

- i.* Order of Suspension;
- ii.* An order imposing any penalties;
- iii.* An order enhancing any penalty;
- iv.* An order that denies or varies his pay, allowances, pension or misinterprets rules to the disadvantage of the employee/civil servant;
- v.* Reducing or withholding his pension; and
- vi.* Determining the subsistence allowance to be paid to the employee during his suspension.

Appellate Authority

Article 311 of the Indian Constitution states that a person who is a member of the All India Service or a civil servant of the state or the union cannot be dismissed or removed by an authority that is subordinate to the appointing authority. The appointing authority of Group 'A' and Group 'B' of the Central Civil Services is the President or State Civil Services Group 'A' and Group 'B' is the Governor. In other positions, the appointing authority may be Heads of the Department or officers subordinate to them. The removing/dismissing power also lies with them. Appeals can only be made to the appointing authority and not an authority above the appointing authority. The Union or the State Public Service Commission is consulted when the President or the Governor passes the orders. An employee can appeal to the courts but must first exhaust all the remedies available under service rules.

An employee/civil servant/government servant, including a person who has ceased to be in government service, can appeal to an authority specified in this regard by a general or specific order of the President or, where no such authority is specified:

- i.* In the case of Central Government employees of Group 'A' or Group 'B' or Civil Posts Group 'A' or Group 'B', an appeal can be made to the appointing authority if an authority subordinate to the appointing authority gives an order.

If the appointing authority gives the order, an appeal can be made to the President.

- ii.* If a Government employee is a member of Group 'C' or Group 'D' or holds a Central Civil Post Group 'C' or Group 'D', an appeal can be made to the authority which is superior to the authority that has been given the order.

Challenges in Implementing Code of Conduct

Following are the challenges that the authorities face while implementing the Code of Conduct and disciplining the civil servants:

1. Lack of familiarity with disciplinary procedures: Both the officials and the disciplinary authorities should be conversant with the Code of Conduct and the disciplinary procedures. However, it has been observed that neither the employees/civil servants nor the disciplinary authorities are aware of the details of the disciplinary procedures.

Familiarising the civil servants and the disciplinary authorities with the conduct rules is essential. It can be undertaken during the pre-training or in-service training courses conducted for the civil servants;

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2. **Multiple Rules:** Complex and multiple conduct rules are beyond the comprehension of most civil servants/employees. These rules must be simplified and with clear-cut objectives.
3. **Prejudiced Attitude of Appellate Authority:** Biased attitude of the appellate authority of toeing the line of their subordinates rather than going through the case in an unbiased manner negates the very purpose of the appeal.
4. **Lack of Empathy:** The lack of empathy of the seniors and their lack of understanding of the rules damages the employees' morale.
5. **Withholding of appeals:** Most of the officers do not like appeals against their decisions. Hence there is a tendency to withhold appeals to the appellate authority.
6. **Undue Delays:** The time to start the disciplinary proceedings and the subsequent action if found guilty is very long. If an employee is found to be innocent, he faces hardships, and if he is found guilty, he may not be punished for a long time.
7. **Supervisor's Attitude:** A supervisor's attitude towards the employee and the disciplinary process harms the employees' morale. If the attitude is unbiased, the honest employees feel motivated; otherwise, it demotivates them.
8. **Variation in Disciplinary Actions:** There is variation in the disciplinary authorities' actions in similar types of breaches. In some cases, a lenient view is taken, and minor penalties are imposed, while in other similar cases, a rigid view is taken, and harsh punishment is imposed. Variations in similar cases lead to favouritism and nepotism.
9. **Emphasis on Punishing Employees:** In most cases of a breach in the conduct rules, the main emphasis is imposing penalties. Efforts are seldom undertaken to ensure that the breach is not repeated by the employees again.
10. **Political Interference:** Sometimes, the investigative agencies feel pressurized due to political interference in the investigations. In such cases, the proceedings may be delayed or charges dropped or downgraded.
11. **Weak Enforcement Mechanism:** Disciplinary processes are slow and with a weak enforcement mechanism, either actions are delayed or no actions are taken, thereby reducing the deterrent effect.
12. **Technological Gaps:** Lack of technological gaps makes it hard to detect unethical practices.
13. **Absence of Performance Linkage:** Absence of standardised performance linkage is

Conclusion

Code of Conduct for the civil servants is a list of do's and don'ts that are essential to ensure integrity in civil services. All the civil services in India, *i.e.* All India Services, Central Civil Services and State Civil Services, have their respective Code of Conducts. In case a civil servant breaches the code. He is subjected to disciplinary proceedings. If found guilty of the breach, a minor or major penalty may be imposed.

Important Terms/Concepts/Information

1. **First Administrative Reforms Commission (Report on Personnel Administration, 1969):** The First Administrative Reforms Commission, in Chapter IX of its Report on Personnel Administration, highlighted the importance of the maintenance of a high standard of personal conduct and observance of discipline and stated that there must be a clearly adumbrated code of correct official behaviour and a provision for the punishment of those who deviate therefrom. It further stated that there should be a provision for punishing slackness and inefficiency.

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2. **Santhanam Committee (Committee on Prevention of Corruption,1964):** Santhanam Committee, for the first time, recommended introducing a set of conduct rules. The committee recommended uniform conduct rules to maintain the integrity and inculcate values like altruism and empathy for the poor that are hard to imbibe after joining the services. These need to be instilled in childhood through schools and family.
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Short and Long Questions

Short Answer Type Questions

1. Write a note on the Code of Conduct.
2. Write a note on the significance of the Code of Conduct.
3. Write a note on the Code of Conduct for the Civil Services in India.
4. Write a note on the Discipline.
5. Write any three causes of Disciplinary Proceedings.
6. Write a note on 'Minor' and 'Major' penalties.
7. Write any three challenges in implementing the Code of Conduct.

Long Question

1. Give the importance of the Code of Conduct. Discuss the Code of Conduct for the Civil Services in India.
2. Explain Discipline and Disciplinary Proceedings for the Civil Services.

MCQs for Competitive Examinations: <https://forms.gle/bCLRsMtMQuhDkLDh9>

Suggested Readings

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