

COMMITTEE ON ETHICS

(FOURTEENTH LOK SABHA)

FIRST REPORT

[Presented to the Speaker, Lok Sabha on 24th August, 2006]

[Laid on the Table on 25 August, 2006]



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2006/Bhadrapada, 1928 (Saka)

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PERSONNEL OF THE COMMITTEE ON ETHICS
(2005-2006)

Shri Chandrashekhar — *Chairman*

MEMBERS

2. Shri L.K. Advani
3. Shri Manoranjan Bhakta
4. Shri Anant Gangaram Geete
5. Shri Gurudas Kamat
6. Shri C. Kuppusami
7. Shri Rasheed Masood
8. Shri Madhusudan Mistry
9. Shri Mukeem Mohammad
10. Shri Rupchand Pal
11. Shri Bachi Singh Rawat 'Bachda'*
12. Shri Vijayendra Pal Singh
13. Shri G. Venkatswamy
14. Shri C.H. Vijayashankar
15. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindar Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

* Nominated w.e.f. 21.07.2006 *vice* Shri Shivraj Singh Chouhan resigned his seat in Lok Sabha .

PERSONNEL OF SUB-COMMITTEE OF
COMMITTEE ON ETHICS
(FOURTEENTH LOK SABHA)

Shri Manoranjan Bhakta — *Chairman*

MEMBERS

2. Shri Anant Gangaram Geete
3. Shri Rasheed Masood
4. Shri Rupchand Pal
5. Shri Vijayendra Pal Singh

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

FIRST REPORT OF COMMITTEE ON ETHICS
(FOURTEENTH LOK SABHA)

I. Introduction

I, the Chairman of the Committee on Ethics, having been authorized by the Committee to submit, the report on their behalf, present this their first report to the Speaker, Lok Sabha regarding incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha the rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee and procedure for making ethics complaints.

2. The matter was referred to the Committee on Ethics by the Speaker for consideration and report. The Committee on Ethics at their first sitting held on 12 December, 2005 took note of the matter and decided to appoint a sub-Committee of the Committee to deliberate on the matter and report to the Committee.

A sub-Committee of the Committee on Ethics was accordingly constituted on 22 December, 2005 with Shri Manoranjan Bhakta as its Chairman and Sarvashri Anant Gangaram Geete, Rasheed Masood, Rupchand Pal and Vijayendra Pal Singh as members.

3. On 28 December, 2005 the matter, regarding incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha the rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee and procedure for making ethics complaints, was referred to the sub-Committee for consideration and report to the Committee.

4. The Committee held two sittings and the sub-Committee held three sittings. The relevant minutes of the sittings form part of the report and are appended hereto.

5. At its first sitting held on 2 January, 2006 the sub-Committee *inter alia* directed the Secretariat to prepare for its consideration a memorandum regarding Rules relating to constitution of Committee on Ethics, its functions etc., and procedure for making ethics complaints for incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha.

6. At its second sitting held on 30 January, 2006, the sub-Committee considered draft rules regarding constitution of Committee on Ethics, its functions, procedure to be followed by the Committee and procedure for ethics complaints, proposed for incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha. After some deliberations the sub-Committee approved the said rules and directed the Secretariat to prepare draft report for consideration of the sub-Committee.

7. At its third sitting held on 22 February, 2006 the sub-Committee considered the draft Report and adopted it. The sub-Committee authorised the Hon'ble Chairman to present the Report on behalf of the sub-Committee, to the Hon'ble Chairman, Committee on Ethics.

8. At their second sitting held on 23 August, 2006, the Committee considered the report of the sub-Committee. The Committee were of the view that rules regarding consideration of reports of the Committee by the House may be spelt out in detail. The Committee authorized the Chairman to finalise the report accordingly and present the Report to the Speaker, Lok Sabha.

II. Observations

9. The Committee note the recommendations with regard to procedure for making complaints regarding unethical conduct of members made by the Committee on Ethics in their First Report which was presented to the House on 22 November, 2001 and adopted by the House on 16 May, 2002. The Committee further note that the Committee on Ethics (Thirteenth Lok Sabha) in their Second Report presented to the House on 20 November, 2002, recommended rules providing for constitution of Committee on Ethics, functions of Committee etc., for incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha.

III. Recommendations

10. The Committee recommend that in the Rules of Procedure and Conduct of Business in Lok Sabha the following new Chapter viz Chapter XXA containing provision regarding 'Procedure for ethics complaints,' may be added after Chapter XX of the Rules;

“CHAPTER XXA

233A. Procedure for ethics complaints

- (1) Any person or member may make a complaint relating to unethical conduct of a member in Lok Sabha or connected with his parliamentary conduct.
- (2) A complaint shall be addressed to the Speaker, Lok Sabha who may forward it to the Chairman, Committee on Ethics, Lok Sabha for examination, investigation and report.
- (3) The complainant must declare his identity and submit supporting evidence, documentary or otherwise to substantiate his allegations.
- (4) It shall be incumbent upon the complainant to ensure that the complaint is not false, frivolous or vexatious and is made in good faith. An affidavit to this effect shall accompany the complaint.

- (5) The identity of the complainant would be kept secret, if so requested by the complainant, and if the request is accepted by the Speaker, Lok Sabha for sufficient reasons.
- (6) A complaint based merely on unsubstantiated media reports shall not be entertained.
- (7) The Committee on Ethics may also *suo motu* take up for investigation matters related to unethical conduct of members, wherever felt necessary.
- (8) The Committee on Ethics shall not take up any matter which is *sub-judice* and the decision of the Committee as to whether such matter is or is not *sub judice* shall for the purposes of these rules be treated as final.

233B. Power of Speaker to refer a question of ethical and other misconduct to Committee

Notwithstanding anything contained in these rules, the Speaker may refer any question involving unethical conduct or other misconduct of a member to the Committee on Ethics for examination, investigation and report.”

11. The Committee further recommend that in the Chapter XXVI of the Rules of Procedure and Conduct of Business Lok Sabha containing rules regarding Parliamentary Committees, the following Rules may be added after rule 316:—

“COMMITTEE ON ETHICS

Constitution

316A. At the commencement of the House or from time to time, as the case may be, the Speaker shall nominate a Committee on Ethics consisting of not more than 15 members.

Functions

316B. (1) The Committee shall:—

- (a) oversee the moral and ethical conduct of members.
 - (b) examine every complaint relating to unethical conduct of a member referred to it and make such recommendations as it may deem fit.
 - (c) Frame rules specifying acts which constitute unethical conduct.
- (2) The Committee may also *suo motu* take up for examination and investigation matters relating to ethics, including matters relating to unethical conduct by members wherever felt necessary and make such recommendations as it may deem fit.

- (3) The report of the Committee may also state the procedure to be followed by the House in giving effect to the recommendations made by the Committee.

Procedure

- 316C.** (1) On a matter being referred to the Committee or on a matter being taken up by the Committee *suo motu*, the Committee shall conduct preliminary inquiry.
- (2) After the preliminary inquiry, if the Committee is of the opinion that there is no *prima facie* case, the matter may be dropped.
 - (3) If the Committee is of the opinion that there is a *prima facie* case, the Committee shall take up the matter.
 - (4) The Committee may lay down procedure, from time to time for examination of matters referred to it.

Consideration of report by House

- 316D.** (1) After the report has been presented, the Chairman or any member of the Committee or any other member may move that the report be taken into consideration whereupon the Speaker may put the question to the House.
- (2) Before putting the question to the House, the Speaker may permit a debate on the motion, not exceeding half an hour in duration, and such debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report by the House.
 - (3) After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be, may move that the House agrees, or disagrees or agrees with amendments, with the recommendations contained in the report.

Priority for consideration of report by House

- 316E.** A motion that the report of the Committee be taken into consideration shall be put down in the List of Business after disposal of questions.”

NEW DELHI;
24 August, 2006

CHANDRASHEKHAR,
Chairman,
Committee On Ethics.

MINUTES

MINUTES

I

FIRST SITTING OF THE COMMITTEE ON ETHICS
NEW DELHI, MONDAY, 12 DECEMBER, 2005

The Committee sat from 17.00 hrs to 17.25 hrs.

PRESENT

Shri Chandrashekhar — *Chairman*

MEMBERS

2. Shri L.K. Advani
3. Shri Manoranjan Bhakta
4. Shri Anant Gangaram Geete
5. Shri Madhusudan Mistry
6. Shri Mukeem Mohammad
7. Shri Vijayendra Pal Singh

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

The Committee briefly dwelt upon their future programme and noted that immediate task before them was (i) deliberations on the Rules regarding Committee on Ethics to be incorporated in the Rules or Procedure and Conduct of Business in Lok Sabha and (ii) **** Chairman proposed that a five member sub-Committee might be constituted for the purpose. Members concurred. The Committee authorized the Chairman to constitute the said sub-Committee.

The Committee then adjourned.

* Omitted as paras relate to another case.

II

FIRST SITTING OF THE SUB-COMMITTEE OF THE COMMITTEE ON ETHICS NEW DELHI, MONDAY, 2 JANUARY, 2006

The Committee sat from 15.00 hrs to 15.45 hrs.

PRESENT

Shri Manoranjan Bhakta — *Chairman*

MEMBERS

2. Shri Rasheed Masood
3. Shri Rupchand Pal

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

At the outset, the Chairman of the sub-Committee welcomed the members to the meeting of the sub-Committee. The Chairman apprised the sub-Committee of the work before the sub-Committee, viz. (i) consideration and finalization of the Rules of Procedure and Conduct of Business in Lok Sabha and (ii) * * * *.

2. The sub-Committee directed the Secretariat to prepare Memoranda on the matters and circulate the same to all the members of the sub-Committee well before their next sitting. * *.

The sub-Committee then adjourned.

* Omitted as paras relate to another case.

III

SECOND SITTING OF THE SUB-COMMITTEE OF THE COMMITTEE ON ETHICS
NEW DELHI, MONDAY, 30 JANUARY, 2006

The Committee sat from 15.00 hrs to 16.15hrs.

PRESENT

Shri Manoranjan Bhkata — *Chairman*

MEMBERS

2. Shri Rasheed Masood
3. Shri Rupchand Pal
4. Shri Vijayendra Pal Singh

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Under Secretary*
3. Shri Ashok Sajwan — *Under Secretary*

2. The sub-Committee at the outset considered draft rules regarding constitution of Committee on Ethics, its functions, procedure to be followed by the Committee are procedure for ethic complaints, proposed for incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha. The sub-Committee approved the said Rules and directed the Secretariat to prepare a draft report in this regard for its consideration and circulate copies thereof before its next sitting.

3. * * * *

4. The sub-Committee decided to again meet on 22 February, 2006 at 16.00 hrs.

The Committee then adjourned.

* Omitted as paras relate to another case.

IV

THIRD SITTING OF THE SUB-COMMITTEE OF THE COMMITTEE ON ETHICS NEW DELHI, WEDNESDAY, 22 FEBRUARY, 2006

The Committee sat from 16.09 hrs to 16.48 hrs.

PRESENT

Shri Manoranjan Bhakta — *Chairman*

MEMBERS

1. Shri Anant Gangaram Geete
2. Shri Rupchand Pal

SECRETARIAT

1. Shri Ravindra Garimella — *Under Secretary*
2. Shri Ashok Sajwan — *Under Secretary*

WITNESSES

1.	*	*	*	*
2.	*	*	*	*
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4.	*	*	*	*
5.	*	*	*	*

* Omitted as paras relate to another case.

6. The sub-Committee, thereafter, considered the draft First Report regarding incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha Rules regarding constitution of a Committee on Ethics, the functioning and procedure of the Committee and procedure for making ethics complaints and adopted the Report. The sub-Committee authorised the Chairman to present the Report to the Chairman, Committee on Ethics.

The Sub-Committee then adjourned.

V

MINUTES OF THE SECOND SITTING OF THE COMMITTEE ON ETHICS
NEW DELHI, WEDNESDAY, 23 AUGUST, 2006

The Committee sat from 16.30 hrs to 17.00 hrs.

PRESENT

Shri Chandrashekhar — *Chairman*

MEMBERS

2. Shri L.K. Advani
3. Shri Manoranjan Bhakta
4. Shri Anant Gangaram Geete
5. Shri C. Kuppusami
6. Shri Rupchand Pal
7. Shri Bachi Singh Rawat 'Bachda'
8. Shri Vijayendra Pal Singh
9. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri Ravindra Garimella — *Under Secretary*
2. Shri Ashok Sajwan — *Under Secretary*

The Committee first took up for consideration the First Report of the sub-Committee on Ethics regarding incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha of the rules regarding constitution of Committee on Ethics, functions of the Committee and procedure to be followed by the Committee and procedure for making ethics complaints.

The Committee desired that the rules regarding consideration of reports of the Committee on Ethics by the House may be spelt out in detail on the lines of the rules relating to Committee of Privileges (Rules 315 and 316) without any reference to the Committee of Privileges. The Committee authorised the Chairman to modify the Report accordingly.

Shri Vijayendra Pal Singh, MP then withdrew.

* * * * *. The Committee then authorised the Chairman to present the First Report to the Speaker, Lok Sabha.

The Committee then adjourned.

* Omitted as paras relate to another case.