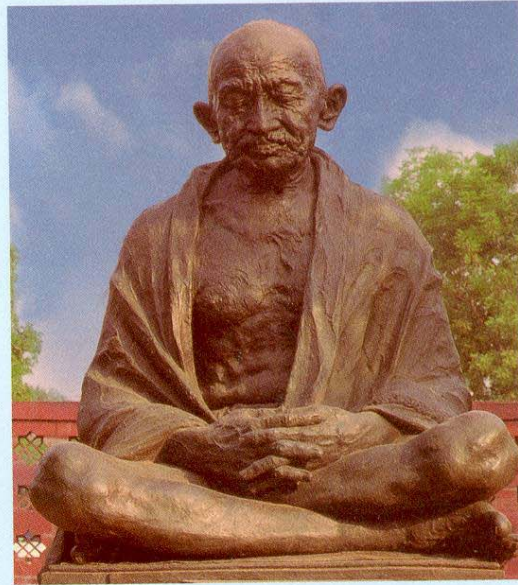




COMMITTEE ON ETHICS

(Thirteenth Lok Sabha)

FIRST REPORT



LOK SABHA SECRETARIAT
NEW DELHI

November, 2001/Kartika, 1923 (Saka)

FIRST REPORT

COMMITTEE ON ETHICS

(THIRTEENTH LOK SABHA)

(Presented to Speaker on 31 August, 2001)

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22 NOV 2001

Adopted on 16 MAY 2001



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LOK SABHA SECRETARIAT
NEW DELHI

November, 2001/Kartika, 1923 (Saka)

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CONTENTS

| | PAGE |
|---|------|
| Personnel of the Committee on Ethics..... | (i) |
| Personnel of the Sub-Committee of Committee on Ethics | (v) |
| Report | 1 |
| Minutes | 13 |
| Appendices | 27 |

PERSONNEL OF THE COMMITTEE ON ETHICS
(13th LOK SABHA)

Shri Chandra Shekhar—*Chairman*

MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Somnath Chatterjee
4. Shri Raghunath Jha
5. Shri Raghuvir Singh Kaushal
- *6. Shri Y.G. Mahajan
7. Shri Jaibhan Singh Pawaiya
8. Shri Sharad Pawar
9. Shri N. Janardhana Reddy
10. Shri V.M. Sudheeran
11. Shri Prakash Mani Tripathi
12. Shri Vaiko
13. Shri Sahib Singh Verma
14. Shri Akhilesh Yadav
15. Shri K. Yerrannaidu

SECRETARIAT

1. Shri S.C. Rastogi — *Joint Secretary*
2. Shri V.K. Sharma — *Director*
3. Shri Ravindra Garimella — *Assistant Director*

* *Vice Maj. Gen. (Retd.) Bhuwan Chandra Khanduri who resigned from membership of the Committee w.e.f. 23 March, 2001.*

PERSONNEL OF THE SUB-COMMITTEE ON ETHICS
RELATED MATTERS OF COMMITTEE ON ETHICS

Shri Somnath Chatterjee—*Chairman*

MEMBERS

2. Shri Sharad Pawar
3. Shri V.M. Sudheeran
4. Shri Vaiko
5. Shri Sahib Singh Verma

FIRST REPORT OF THE COMMITTEE ON ETHICS (THIRTEENTH LOK SABHA)

I. INTRODUCTION

I, the Chairman of the Committee on Ethics, having been authorised by the Committee to submit the Report on their behalf, present this their First Report to the Speaker on the issue of "Ethics Related Matters".

2. The Committee held 4 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 5 October, 2000, the Committee decided that a Study Group of the Committee might be constituted to undertake a study *vis-a-vis* the future course of action of the Committee with regard to ethics related matters.

4. On 9 November, 2000, the Committee constituted a sub-Committee on "Ethics Related Matters", with a view to studying the recommendations contained in the Report of the Ethics Committee of State Legislature and other available reports and to examine the ethics related matters.

5. The sub-Committee held 3 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

6. At its sittings held on 28 November, 2000 and 5 December, 2000, the sub-Committee analysed and considered the recommendations contained in the Reports of Ethics Committee of Legislative Assemblies of Andhra Pradesh and Orissa, Reports of Ethics Committee of Rajya Sabha and Report of Committee of Privileges (11 LS) on the "Ethics, Standards in Public Life Privileges, Facilities to members and other related matters".¹

7. At its sitting held on 11 December, 2000 the sub-Committee considered and adopted its draft report.

1. Hereinafter referred to as Ethics Report.

8. The sub-Committee recommended in its report that a draft "Code of Conduct for Members of Lok Sabha", and also the procedure for complaints and requirements of financial disclosures/declaration of interests, as recommended by the Committee of Privileges (11 LS) in their Ethics Report, be considered for adoption.

9. At their second sitting held on 18 December, 2000, the Committee considered the Report of the sub-Committee.

The Committee after considering the report of the sub-Committee, decided that before finalising their recommendations, the views of the leaders of parties/groups in Lok Sabha might be elicited on the following three issues:—

- (i) Evolution of Code of Conduct for members;
- (ii) Formulation of procedure regarding ethics related complaints; and
- (iii) Need for norms of financial disclosures/declaration of interests by members.

10. At their third sitting held on 27 March, 2001, the Committee felt that it would be appropriate if Chairman also addressed letters to Presiding Officers of all State Legislatures and leaders of political/legislature parties seeking their views on ethics related matters.

Pursuant to this decision a Consultation Paper² drawn up by a Group of three members of the Committee viz. Shri Somnath Chatterjee, Shri Pawan Kumar Bansal and Shri V.M. Sudheeran, MPs, was sent by the Chairman, Committee on Ethics to all Presiding Officers of State Legislatures and leaders of political parties for their comments.

11. At their fourth sitting held on 23 August, 2001, the Committee after taking into account recommendations made in their Report of the sub-Committee on "Ethics Related Matters" and comments/views expressed by Presiding Officers/leaders in this regard, arrived at their findings and conclusions.

2. See Appendix I

II. FINDINGS OF THE COMMITTEE

A. Existing ethical norms

12. In order to maintain the highest traditions in parliamentary life, members of Parliament are expected to observe a certain standard of conduct both inside the House as well as outside it. Their behaviour should be such as to enhance the dignity of Parliament and its members in general. The conduct of members should not be contrary to the usage or derogatory to the dignity of the House or in any way inconsistent with the standards which Parliament is entitled to expect of its members.

13. The extent and amplitude of the words "conduct of a member" cannot be defined exhaustively. It is within the powers of the House in each case to determine whether a member has acted in unbecoming manner or has acted in a manner unworthy of a member of Parliament. Thus, even though the facts of a particular case do not come within any of the recognized heads of misconduct, the conduct of a member may be considered by the House as unbecoming and derogatory to the dignity of the House.

14. In Lok Sabha, no definite Code of Conduct for members has been laid down so far. The Committee, however, note that ample provisions have been made in the Rules of Procedure and Conduct of Business in Lok Sabha and Directions by the Speaker for ensuring decorous and dignified conduct of members. On the basis of recommendations made by an *ad hoc* Committee of the House appointed by the Provisional Parliament in 1951 to investigate the conduct of a member, Shri H.D. Mudgal and also *ad hoc* Committees appointed in 1963 and 1971 to investigate the conduct of members in connection with the disorder created by them during the President's Address to both the Houses of Parliament, and on the basis of well established parliamentary practices, certain rules of conduct and norms of behaviour and conventions have developed over the years.

15. The Committee have also taken note of the recommendations contained in the Ethics Report of Committee of Privileges (11 LS) and the resolution adopted by Lok Sabha on 1 September, 1997 during the special session of 11th Lok Sabha to commemorate the golden jubilee of Indian Independence.

16. The Committee after having analysed the recommendations contained in the reports of Ethics Committees of Legislative Assemblies of Andhra Pradesh and Orissa, the reports of Ethics Committee of Rajya Sabha and Ethics Report of the Committee of Privileges (11 LS) note that provisions in respect of most of these recommendations already exist in the rules/directions/conventions of Lok Sabha.

B. Views of Presiding Officers of State Legislatures/Leaders of various parties

17. Through their Consultation Paper, the Committee sought to elicit opinion of Presiding Officers of all State Legislatures and leaders of political/legislature parties on the aspect of procedure for making a complaint relating to unethical conduct of a member and financial disclosures and declaration of interests by members.

18. Out of 34 Presiding Officers, comments/views from or on behalf of 18 Presiding Officers and Secretariats of Punjab, Madhya Pradesh Legislative Assemblies and Karnataka Legislature Council, were received, which is more than 50% response.

However, in case of leaders of political/legislature parties, out of 43 leaders, views were received only from 8 leaders.

19. The majority view that has emerged on an analysis³ of comments/views⁴ of Presiding Officers and State Legislature Secretariats and leaders of legislature and political parties, is as follows:—

Procedure for complaints

- (i) All the 21 Presiding Officers & Legislature Secretariats and 8 Leaders from whom comments have been received, are of the view that ethics complaint should be addressed to Speaker, Lok Sabha who may refer it to Committee on Ethics.
- (ii) Seventeen Presiding Officers & Legislature Secretariats excepting that of Speakers of UP, Bihar, Haryana and Gujarat Legislative Assemblies, opined that it should be open to all citizens to make an ethics related complaint.

Eight Leaders excepting the leader of Akhil Bhartiya Lok Tantrik Congress Party opined likewise.

3. See Appendix II

4. See Appendix III

- (iii) All the Presiding Officers & Legislature Secretariats and seven leaders excepting that of BJD concurred with the proposal that an ethics complaint has to be accompanied by an affidavit to ensure that the same is not false, frivolous and is made in good faith.
- (iv) All Presiding Officers & Legislature Secretariats and leaders, excepting Punjab Vidhan Sabha Secretariat, concurred with the proposal that House may have power to refer ethics complaints to Committee on Ethics for examination and report.
- (v) Thirteenth Presiding Officers & Legislature Secretariats and 5 leaders felt that Committee on Ethics may be empowered to *suo motu* take up for investigation matters relating to ethics.

Speakers of Jammu & Kashmir, UP and West Bengal Legislative Assemblies and Legislature Secretariat of Haryana, MP, Karnataka and Pondicherry disagreed with the said proposal.

Leaders of Biju Janata Dal, Indian National Lok Dal and Akhil Bhartiya Lok Tantrik Congress also disagreed with this proposal.

- (vi) All the Presiding Officers & Legislature Secretariats concurred with the proposal that Committee on Ethics may evolve its own procedure consistent with the principles of natural justice for the purpose of examining ethics complaints which may, as far as possible, be the same as the procedure for enquiring into and determination of any question as to breach of privilege.
- (vii) All Presiding Officers & Legislature Secretariats and leaders, excepting West Bengal Legislature Assembly favoured stipulation of time limit for completion of an enquiry into an ethics complaint by Ethics Committee.

Different time limits, which generally range from 3 to 6 months, have been proposed.

Financial disclosures/declaration of interests

- (viii) All the Presiding Officers & Legislature Secretariats and leaders have favoured mandatory disclosure of income, assets and liabilities by members.
- (ix) All the Presiding Officers (except West Bengal Legislative Assembly) and leaders favoured filing of annual financial disclosure statements. The West Bengal Legislative Assembly Secretariat has stated that there is no need to file financial disclosure statement every year as the purpose will be served if the disclosure of the income, assets, liabilities and engagements in any financial matter is filed twice, once at the time of taking oath and next at the time of termination of membership.
- (x) Fifteen Presiding Officers & Legislature Secretariats and 6 leaders favoured maintenance of a register of members' interest on the basis of information furnished by members.

Madhya Pradesh, West Bengal & Sikkim, Legislative Assembly Secretariats and leaders of Indian National Lok Dal and Pattali Makkal Katchi were against this proposal.

- (xi) Presiding Officers & Legislature Secretariats and leaders listed various acts, commission or omission of which, would constitute an unethical conduct.
- (xii) Sixteen Presiding Officers & Legislature Secretariats and 5 leaders opined that financial disclosure statements and declaration of interests made should be laid on the Table of the House and thereby made public.

Speaker of Jammu & Kashmir Legislative Assembly & Karnataka Legislative Council and West Bengal Legislative Assembly Secretariats and leaders of Rashtriya Janata Dal, Indian National Lok Dal and Pattali Makkal Katchi were not in favour of this proposal.

20. The Committee note that the Presiding Officers and leaders who have furnished their comments/views by and large endorsed proposals put forth in the Consultation Paper on ethics related matters prepared by group of members of the Committee on Ethics.

III. CONCLUSIONS AND RECOMMENDATIONS

Norms of ethical behaviour for members

21. The Committee note that the norms of ethical behaviour for members have been adequately provided for in the Rules of Procedure and Conduct of Business in Lok Sabha, Directions by the Speaker and in the conventions which have evolved over the years on the basis of recommendations made by various parliamentary Committees in their reports.

22. The Committee are of the considered view that remedy with regard to prevalent malaise of disorderliness in legislatures lies in enforcement of existing norms of ethical behaviour for members.

23. The Committee therefore, recommend that all such norms of ethical behaviour for members be strictly enforced.

24. Apart from the existing norms of ethical behaviour, the Committee also recommend that the members should abide the following general ethical principles, which are not based on any provisions in Rules/Directions/Conventions:—

- (i) **Members must utilise their position to advance general well being of the people.**
- (ii) **In case of conflict between their personal interest and public interest they must resolve the conflict so that personal interests are subordinate to the duty of their public office.**
- (iii) **Conflict between private financial/family interest should be resolved in a manner that the public interest is not jeopardized.**
- (iv) **Members holding public offices should use public resources in such a manner as may lead to public good.**
- (v) **Members should keep uppermost in their mind the fundamental duties listed in Part-IV of the Constitution.**
- (vi) **Members should maintain high standards of morality, dignity, decency and values in public life.**

25. The Committee having considered the matter of disorderly conduct in the House, wish to stress upon leaders of respective legislature parties inside the House and political parties outside the House, to see that their members may not indulge in unbecoming conduct. Leaders of parties may like to impress upon members of their parties the need for strict adherence to the norms of discipline and decorum in the House.

B. Procedure for complaints

26. The Committee are conscious of the fact that for the Committee to take up for consideration of complaints relating to unethical conduct of members in right earnest, a procedure would have to be evolved.

27. The Committee after careful consideration of recommendations made in this regard by the Committee of Privileges (11 LS) in their Ethics Report, and endorsed by sub-Committee of this Committee with some modifications, and comments/views of Presiding Officers of Legislatures and leaders of political/legislature parties, the provisions of the Lokpal Bill, 2001, the Committee recommend the following procedure:—

(i) Procedure for complaints

- (a) A complaint relating to unethical conduct of a member in Lok Sabha or connect with his parliamentary conduct may be addressed to the Speaker, Lok Sabha who may forward it to the Chairman, Committee on Ethics.**
- (b) Any person may make such a complaint to the Speaker.**
- (c) 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.**
- (d) The Committee may also *suo motu* take up for investigation matters relating to ethics, wherever felt necessary.**
- (e) The Committee shall examine all the matters referred to it and also those taken up by it *suo motu*.**
- (f) The procedure to be followed by the Committee for the purpose of examining complaints of unethical conduct of members may, as far as possible be the same as the procedure adopted by the Committee of Privileges for enquiry and determination of any question as to breach of privilege of the House or a member.**

Financial disclosure and declaration of interests

28. The Committee note that in Lok Sabha there is no requirement at present for a member to declare his assets. There are, however, provisions in Rules of Procedure and Conduct of Business in Lok Sabha and Directions and by Speaker, requiring a member to state his personal, pecuniary or direct interests in any matter to be considered by the House or a parliamentary Committee.

29. The Committee, recommend the following norms with regard to financial disclosures and declaration of interests by members:—

(ii) Financial Disclosures/Declaration of Interests

- (a) It may be made mandatory for each Member of Lok Sabha to disclose his/her income, assets and liabilities. For this purpose members may be required to file a financial disclosures statement immediately after their election to Lok Sabha.**
- (b) Members may file revised forms whenever any change occurs and also at the end of the tenure of the Lok Sabha.**
- (c) A register of Members' interests may be maintained in the Lok Sabha Secretariat on the basis of information furnished by the Member.**
- (d) The register of Members' interests should be treated as confidential and the information contained therein would be made available to any complainant only with the permission of the Speaker, Lok Sabha.**
- (e) Rules may be framed specifically indicating acts of commission or omission which constitute unethical conduct and are not already mentioned in the Rules and Directions.**

NEW DELHI;
31 August, 2001

CHANDRA SHEKHAR,
Chairman,
Committee on Ethics.

MINUTES



MINUTES OF THE FIRST SITTING OF THE COMMITTEE
ON ETHICS HELD ON 5 OCTOBER, 2000

The Committee sat from 1500 hrs. to 1545 hrs.

PRESENT

Shri Chandra Shekhar — *Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri Raghunath Jha
4. Maj. Gen. (Retd.) Bhuwan Chandra Khanduri
5. Shri Sharad Pawar
6. Shri N. Janardhana Reddy
7. Shri V.M. Sudheeran
8. Shri Prakash Mani Tripathi
9. Shri Sahib Singh Verma

SECRETARIAT

1. Shri S.C. Rastogi — *Joint Secretary*
 2. Shri V.K. Sharma — *Director*
 3. Shri A. Louis Martin — *Deputy Secretary*
 4. Shri Ravindra Garimella — *Assistant Director*
2. ** ** ** ** ** ** **
3. ** ** ** ** ** ** **

4. The Committee also decided that a Study Group of the Committee might be constituted to undertake a study *vis-a-vis* the future course of action of the Committee with regard to ethics related matters.

The Committee then adjourned.

**Paras 2 & 3 related to another case and have, accordingly, been omitted.

MINUTES OF THE SITTING OF THE SUB-COMMITTEE ON
ETHICS RELATED MATTERS OF THE COMMITTEE ON
ETHICS HELD ON TUESDAY, 28 NOVEMBER, 2000

The sub-Committee sat from 1500 hrs. to 1515 hrs.

PRESENT

Shri Somnath Chatterjee — *Chairman*

MEMBERS

1. Shri Vaiko
2. Shri Sahib Singh Verma

SECRETARIAT

1. Shri V.K. Sharma — *Director*
2. Shri A. Louis Martin — *Deputy Secretary*
3. Shri Ravindra Garimella — *Assistant Director*

2. The sub-Committee took up for consideration Memorandum No. 1 comprising analysis of recommendations contained in the reports of Ethics Committees of Rajya Sabha, Legislative Assemblies of Andhra Pradesh and Orissa and in the Ethics report of Committee of Privileges (11 LS).

3. The sub-Committee after some deliberations desired that a draft Code of Conduct for the members of Lok Sabha be prepared and circulated for its consideration at the next sitting.

4. The sub-Committee then decided to meet again on 5 December, 2000 to consider the draft Code of Conduct.

The sub-Committee then adjourned.

MINUTES OF THE SITTING OF THE SUB-COMMITTEE ON
ETHICS RELATED MATTERS OF THE COMMITTEE ON
ETHICS HELD ON TUESDAY, 5 DECEMBER, 2000

The sub-Committee sat from 1555 hrs. to 1635 hrs.

PRESENT

Shri Somnath Chatterjee — *Chairman*

MEMBERS

1. Shri Vaiko
2. Shri Sahib Singh Verma

SECRETARIAT

1. Shri A. Louis Martin — *Deputy Secretary*
2. Shri Ravindra Garimella — *Assistant Director*

2. The sub-Committee took up for consideration the draft Code of Conduct and after some deliberations approved the same. (Appendix)

3. The sub-Committee also noted the Memorandum No. 1 comprising analysis of recommendations contained in the Reports of Ethics Committees of Rajya Sabha, Legislative Assemblies of Andhra Pradesh and Orissa and Ethics Report of Committee of Privileges (11 LS).

4. The sub-Committee after some deliberations decided to draw the attention of the full Committee to the following proposals regarding procedure for ethics complaints and financial disclosures/declaration of interests by members contained in the Report of Committee of Privileges (11 LS) on "Ethics, Standards in Public Life, Privileges, Facilities to members and other related matters for its consideration".

(i) Procedure for complaints

- (a) A complaint relating to the unethical conduct of a member may be addressed to the Speaker, Lok Sabha who may forward it to the Chairman, Committee on Ethics.
- (b) Any person may make such a complaint to the Speaker.
- (c) It shall be incumbent upon the complainant to ensure that the complaint is not false, frivolous, vexatious and made in good faith. An affidavit to this effect shall accompany the complaint.
- (d) Complaints relating to unethical conduct of the Speaker may be made to the Deputy Speaker who may forward it to the Chairman, Committee on Ethics.
- (e) The House may also refer complaints relating to unethical conduct of members, on a motion, to the Committee on Ethics for examination and report.
- (f) The Committee may also *suo motu* take up for investigations matters relating to ethics, wherever felt necessary.
- (g) The Committee shall examine all the matters referred to it and also those taken up by it *suo motu*.
- (h) The procedure to be followed by the Committee for the purpose of examining complaints of unethical conduct of members may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member.

(ii) Financial Disclosures/Declaration of Interests

- (a) It may be made mandatory for each Member of Lok Sabha to disclose his/her income, assets and liabilities. For this purpose members may be required to file a financial disclosure statement immediately after their election to Lok Sabha.
- (b) Members may file revised forms whenever any change occurs and also at the end of each financial year.
- (c) A register of Members' interests may be maintained in the Lok Sabha Secretariat on the basis of information furnished by the Member.
- (d) Rules may be framed specifically laying down acts, commission or omission of which would constitute an unethical conduct.

5. The sub-Committee noted that guidelines in respect of gifts and hospitality enjoyed by the members have already been formulated and form part of Code of Conduct.

6. The sub-Committee then desired that a draft report covering the above aspects be prepared and circulated to the sub-Committee.

7. The sub-Committee decided to meet again on 11 December, 2000 at 1500 hrs. to consider the draft report.

The sub-Committee then adjourned.

MINUTES OF THE SITTING OF THE SUB-COMMITTEE ON
ETHICS RELATED MATTERS OF THE COMMITTEE ON
ETHICS HELD ON MONDAY, 11 DECEMBER, 2000

The sub-Committee sat from 1500 hrs. to 1540 hrs.

PRESENT

Shri Somnath Chatterjee — *Chairman*

MEMBERS

2. Shri V.M. Sudheeran
3. Shri Vaiko
4. Shri Sahib Singh Verma

SECRETARIAT

1. Shri S.C. Rastogi — *Joint Secretary*
2. Shri V.K. Sharma — *Director*
3. Shri A. Louis Martin — *Deputy Secretary*
4. Shri Ravindra Garimella — *Assistant Director*

2. The sub-Committee took up for consideration the draft report on ethics related matters.

3. Members expressed their views.

4. After some deliberations, the sub-Committee adopted the Report.

5. The sub-Committee authorised the Chairman to present this report on its behalf to Chairman, Committee on Ethics.

The sub-Committee then adjourned.

MINUTES OF THE SECOND SITTING OF THE COMMITTEE
ON ETHICS HELD ON MONDAY, 18 DECEMBER, 2000

The Committee sat from 1630 hrs. to 1730 hrs.

PRESENT

Shri Chandra Shekhar — *Chairman*

MEMBERS

2. Shri Somnath Chatterjee
3. Shri Raghunath Jha
4. Shri Jaibhan Singh Pawaiya
5. Shri N. Janardhana Reddy
6. Shri Prakash Mani Tripathi
7. Shri Vaiko
8. Shri Sahib Singh Verma
9. Shri Akhilesh Yadav

SECRETARIAT

1. Shri S.C. Rastogi — *Joint Secretary*
2. Shri V.K. Sharma — *Director*
3. Shri A. Louis Martin — *Deputy Secretary*
4. Shri Ravindra Garimella — *Assistant Director*

2. The Committee took up for consideration the report of the sub-Committee on "Ethics Related Matters".

3. The Chairman appreciated the work of the sub-Committee done in very short time. The Chairman, then apprised the Committee of the following two suggestions made by Shri V.M. Sudheeran, MP:—

- (i) Before finalisation of the Code of Conduct for members, as appended to the Report of the sub-Committee, it would be appropriate to elicit opinion of all members of Parliament on the same, either by circulating copies of the code as adopted by the sub-Committee or otherwise.
- (ii) It would also be appropriate to conduct a workshop/hold a seminar with the participation of Speakers of all legislatures for indepth deliberations over the Code of Conduct for members of Parliament.

Expressing his doubt whether the Committee would agree to these suggestions in the context of confidentiality of the sub-Committee's Report, the Chairman invited the views of the other members in the matter.

4. Thereafter, the members expressed their views on the recommendations contained in the report of the sub-Committee.

5. The report contained a recommendation that a complaint relating to unethical conduct of the Speaker may be made to the Deputy Speaker who may forward it to the Chairman, Committee on Ethics. Disagreeing with this recommendations, the Committee felt that the Speaker's conduct can be considered only by the whole House under relevant provisions of the rules.

6. The Committee after some deliberations decided that before finalising their recommendations regarding the procedure for making complaints regarding unethical conduct of member and financial disclosures/declaration of interests by members, views of the leaders of parties/groups in Lok Sabha in the matter might be elicited. The Committee also felt that the leaders of the political parties, if they so desired, could personally meet the Chairman and express their views.

7. The Committee then decided to meet again on 24 January, 2001 at 1500 hrs.

The Committee then adjourned.

MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON
ETHICS HELD ON THURSDAY, 27 MARCH, 2001

The Committee sat from 1100 hrs. to 1145 hrs.

PRESENT

Shri Chandra Shekhar — *Chairman*

MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Somnath Chatterjee
4. Shri Sharad Pawar
5. Shri N. Janardhana Reddy
6. Shri V.M. Sudheeran

SECRETARIAT

1. Shri V.K. Sharma — *Director*
2. Shri A. Louis Martin — *Deputy Secretary*
3. Shri Ravindra Garimella — *Assistant Director*

2. The Committee took up, for further consideration, memorandum No. 1 regarding formulation of procedure regarding ethics related complaints, norms for financial disclosures/declaration of interests by members and Code of Conduct for members.

3. The Committee felt that before finalising their opinion, it would be of immense value to have the views of leaders of political parties and Presiding Officers of Legislative Assemblies, on these crucial issues, which have far reaching implications on the conduct of elected representatives.

4. It was decided that the points on which views might be invited and also the draft of letter to be addressed to the Leaders of Political parties and the Presiding Officers of Legislatures might be drawn up by a group of the following three members of the Committee:—

- (1) Shri Somnath Chatterjee
- (2) Shri Pawan Kumar Bansal and
- (3) Shri V.M. Sudheeran

5. The Committee decided that a press release might be issued in this regard with a view to generating public debate in the matter.

6. It was also decided to cancel the meeting of the Committee scheduled to be held on 28 March, 2001 at 11.00 hrs.

The Committee then adjourned.

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE
ON ETHICS HELD ON THURSDAY, 23 AUGUST, 2001

The Committee sat from 1500 hrs. to 1545 hrs.

PRESENT

Shri Chandra Shekhar — *Chairman*

MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Somnath Chatterjee
4. Shri Raghunath Jha
5. Shri Raghuvir Singh Kaushal
6. Shri Y.G. Mahajan
7. Shri Sharad Pawar
8. Shri V.M. Sudheeran
9. Shri Prakash Mani Tripathi
10. Shri Sahib Singh Verma

SECRETARIAT

1. Shri S.C. Rastogi — *Joint Secretary*
2. Shri V.K. Sharma — *Director*
3. Shri Ravindra Garimella — *Assistant Director*

2. The Committee at their sitting took up for consideration the draft Report on "Ethics Related Matters" of the sub-Committee on Ethics and the comments/views of Presiding Officers of State Legislatures and Leaders of Political/Legislature parties on ethics related matters.

3. The Committee, after some discussion, directed the Secretariat to prepare a draft Report of the Committee in the light of the views expressed and suggestions made by the members. The Committee authorised Shri Somnath Chatterjee, MP, the Chairman of the sub-Committee, to finalise the Report of the Committee.

4. The Committee also authorised the Hon'ble Chairman to present the Report on behalf of the Committee to the Hon'ble Speaker.

The Committee then adjourned.

APPENDICES

APPENDIX-I

(See para 10 of the Report)

LOK SABHA SECRETARIAT
(Ethics Committee Branch)

CONSULTATION PAPER

Procedure for complaints

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

2. Should it be open for any citizen to make such a complaint?

3. Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

5. Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

9. If so, should financial disclosure statement be filed every year?

10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

These are some of the points raised and discussed from time to time. Kindly give any other suggestions you have in mind.

APPENDIX-II
(See Para 19 of the Report)

**ANALYSIS OF COMMENTS/VIEWS RECEIVED FROM
THE PRESIDING OFFICERS OF STATE LEGISLATURES/
LEADERS OF PARTIES ON THE CONSULTATION
PAPER REGARDING ETHICS RELATED MATTERS**

A. Procedure for Complaints

| Sl. No. | Point on which comments were sought | Views/comments |
|---------|---|--|
| 1 | 2 | 3 |
| 1. | Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics? | <p>All the Presiding Officers and leaders have agreed with the suggestion.</p> <p>However, the Speaker, J&K Legislative Assembly has added that the Speaker, Lok Sabha may, before referring complaint relating to unethical conduct of a member, make thorough investigations, hear both the parties and determine for himself whether the issue is of such nature to be referred to the Committee for further investigation, examination and report.</p> <p>Speaker, Tripura Legislative Assembly has stated that the complaints may be addressed to the Speaker or to the Secretary, Lok Sabha/State Legislature.</p> |

Speaker, West Bengal Legislative Assembly has stated that there is no privilege without maintaining ethics. The Committee of Privileges and the Committee on Ethics are thus inter-related. Therefore, any complaint relating to unethical conduct of a member should be addressed to the Secretary-General of Lok Sabha, in conformity with the provisions contained in the relevant rules pertaining to question of privilege. However, if any complaint comes directly to the Speaker, Lok Sabha he may refer it to the Ethics Committee for examination and investigation.

The Leader, INLD has stated that since the ethical matters tend to extend beyond parliamentary confines, it should be investigated first by some investigating authority, to be appointed under the authority of the House, on the pattern of House of Commons, U.K. Like U.K. the said authority whether known by the name of the Parliamentary Commissioner or by any other name, should be appointed by the House and should be charged with the responsibilities of making preliminary investigations into the complaints against members and report to the Speaker or the Chairman, as the case may be. The Speaker or the Chairman may, if he thinks fit, refer the matter to the Committee on Ethics for examination and report.

The Leader, PMK has stated that addressing the complaint to the Speaker who will ultimately refer it to the Committee on Ethics, would be circuitous and involve delay in processing the complaints. Hence, the complaints on ethical conduct of the member may be addressed direct to the Chairman of the Committee on Ethics with a copy marked to the Speaker for information.

2. Should it be open for any citizen to make such a complaint?

All Presiding Officers and leaders except the Speakers, UP, Gujarat Bihar and Haryana Legislative Assemblies and leader, ABLTC have opined that it should be open for any citizen to make complaint regarding unethical conduct.

The Speaker, UP Legislative Assembly has stated that the ambit of such complaints should be restrained and limited for the members only. Citizens can move the court and seek remedy under law.

3. Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

All except the leader of BJD have replied in affirmative and urged that an affidavit should accompany the complaint.

The leader of BJD Parliamentary Party has stated that asking for an affidavit may discourage many to lodge a complaint. Even without affidavit, the complainant cannot abdicate his/her responsibility as regards the veracity and authenticity of the complaint.

The Sikkim Legislature Secretariat while agreeing have stated that, it may not be necessary to furnish an affidavit with the complaint.

The Speaker, Tripura Legislative Assembly has added that further supporting documentary evidence other than media report should also be submitted with complaint.

The leader, Lok Jan Shakti is of the view that the Committee should not accept complaints unless they are proposed and seconded by two hon'ble citizens. Further, the complaints should be supported by an affidavit duly authenticated by an Oath Commissioner or Gazetted Officer of the Central/State Government.

The Speaker, Delhi Vidhan Sabha has stated that to discourage filing of false and frivolous complaints aimed merely at tarnishing the image of an elected member, it may be appropriate to insert a provision in the rules to the effect that in the event of a complaint turning out to be untrue and without any basis, the complainant can be penalised or proceeded against.

The Speaker, Bihar Legislative Assembly has stated that it should not be open for any citizen. A group of persons can, however, make such a complaint.

4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

All have agreed, except Punjab Vidhan Sabha Secretariat which are of the view that complaints should be addressed to the Hon'ble Speaker only, who may refer them to the Committee.

The leader, INLD while agreeing has stated that the House may also refer on a motion complaints relating to unethical conduct of members direct to the Ethics Committee in which case Parliamentary Commissioner for standards in public life shall assist the Committee in investigating complaints.

5. Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

All except (a) Speaker of J&K Legislative Assembly (b) Speaker, Uttar Pradesh Legislative Assembly (c) leader BJD Parliamentary Party (d) Leader, INLD (e) Leader, ABLTC (f) Legislative Assembly Secretariats of Haryana, Madhya Pradesh, Pondicherry, West Bengal, and (g) Karnataka Legislative Council Secretariat have felt that the Committee on Ethics may be empowered to *suo motu* take up matters for investigation.

The leaders of BJD, INLD, ABLTC, Speaker, J&K and UP Legislative Assemblies; and M.P., West Bengal, Karnataka and Pondicherry Legislature Secretariats have disagreed and stated that the complaint should either be referred by the House or by the Speaker.

The Secretary, Pondicherry Legislative Assembly has stated that the Committee on Ethics need not *suo motu* take up investigation matters relating to ethics. He has stated that it will be sufficient that the Committee takes up the complaints referred to it.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

All have agreed. However, Speaker Meghalaya Legislative Assembly has added that the procedure can be made in the form of internal working rules.

The leader, Lok Jan Shakti has stated that under the Ethics Committee, a Core Committee should initially scan the complaints to weed out unsubstantiated, unwarranted, vested and malicious complaints. Thereafter, on the basis of the Core Committee's report, the complaints should further be investigated by the Ethics Committee.

The leader, PMK while agreeing that the Committee may evolve its own procedure consistent with the principles of natural justice, however, a complaint aimed at the member should not be considered as breach of privilege and hence the procedure dealing with such breach should not be applied in this case. The judicial procedures applied in dealing with complaints may be more appropriate than the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. However, the Committee on Ethics may have full options as to the procedure in such case.

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7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

All have favoured stipulation of time limit, except West Bengal Legislative Assembly Secretariat.

The West Bengal Legislative Assembly Secretariat have stated that it will be too difficult to fix any time limit for making an enquiry into a complaint. In an investigation of a case, time is required according to its gravity. Therefore, there should be no time limit within which the enquiry into a complaint be completed by the Ethics Committee.

The Speakers of Tripura and Meghalaya Legislative Assemblies have added that the time limit may be *extended beyond* three months by the Speaker or the House, if justified.

The Speaker, Delhi Legislative Assembly has stated that since the Committee would be required to examine the matter in depth and for this purpose may have to call for papers and documents from various agencies besides calling for the evidence of individual and groups, the time limit of three months for disposing of complaints of this nature may not be sufficient in all cases.

The Speaker, U.P. Legislative Assembly and Haryana Legislature Secretariat have stated that the time limit may be increased upto a maximum period of six months with the prior approval of the Speaker.

The leader, Lok Jan Shakti has stated that the ideal time frame for disposal of complaints received by the Ethics Committee could be 3-5 months.

The leader, INLD while agreeing has stated that the Speaker or the House as the case may be, may, however, extend the date of presentation of the report by the Committee keeping in view the fact that the natural justice is not denied for want of time.

The Gujarat Legislature Secretariat has favoured six months time limit within which the enquiry into a complaint be completed by the Ethics Committee.

The Karnataka Legislative Council Secretariat have stated that the entire process of enquiry into a complaint should be completed and the Committee may come out with its recommendations within a period of three to six months. However, terminal report should be submitted within one year.

The Sikkim Legislative Assembly Secretariat have stated that the time limit may depend on the nature of the case.

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

All except Haryana Legislature Secretariat have favoured mandatory disclosure.

The President, RJD, while favouring the proposal has stated that filing of returns under Income Tax is mandatory and the Income Tax provisions could suffice in achieving the goal.

The Speaker, UP Legislative Assembly while agreeing, has also stated that the law relating thereto should contain penal clauses for lapses, if any, to ensure sanctity of the system.

The Karnataka Legislative Council Secretariat, while agreeing, have stated that the procedure of filing the assets and liabilities of members of Karnataka Legislature is already in force in Karnataka. As per the Lokayuktha Act every member of Legislature has to file his returns in respect of his Assets and Liabilities to the Lokayuktha every year.

The West Bengal Legislative Assembly Secretariat have stated that with a view to bringing transparency in the conduct of legislators, there should be mandatory disclosure of income, assets and liabilities by them which should be treated as confidential and if the situation arises, the Ethics Committee should go through such statements in the course of its investigation on any complaint.

| 1 | 2 | 3 |
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| 9. If so, should financial disclosure statement be filed every year? | All have favoured filing of annual financial disclosure statement except Haryana and West Bengal Legislative Assembly Secretariats. | The West Bengal Legislative Assembly Secretariat have stated that there is no need to file financial disclosure statement every year as the purpose will be served if the disclosure of the income, assets, liabilities and engagements in any financial matter is filed twice, once at the time of taking oath and next at the time of termination of membership. The Leader, ABLTC party in Lok Sabha has stated that the statement of Income Tax returns will do, otherwise, those who do not pay income tax, their annual income should be ascertained. |
| 10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained? | All except leaders of INLD, PMK and Legislative Assembly Secretariats of Haryana, Madhya Pradesh, West Bengal and Sikkim have agreed. | The Leader, INLD has stated that it is not necessary to maintain a register of members' interests on the basis of information furnished by him. The Leader, PMK has stated that register of members' interest may not be maintained at this stage. The Madhya Pradesh Vidhan Sabha Secretariat have stated that it is not necessary to maintain a register of members' interests on the basis of information furnished by the member. |

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

The West Bengal Legislative Assembly Secretariat have stated that it should not be appropriate to look into the personal affairs of a legislator without any cause. Therefore, no register to that effect should be maintained.

The Sikkim Legislative Assembly have stated that it is not necessary to maintain a register of members' interests on the basis of the information furnished by the member.

In the opinion of the Speaker, Goa Legislative Assembly corruption, taking bribes (accepting costly presents) and evading taxes and misuse of power such as favouritism would constitute unethical conduct.

The Speaker, J&K Legislative Assembly has stated that the members should maintain the sanctity of the Constitution and adhere to decent constructive behaviour.

The Speaker, Tripura Legislative Assembly has stated that obtaining or attempt to obtain any financial benefit illegally or which is not admissible as per existing law, rules, regulations or orders in connection with any matter whatsoever, should constitute unethical conduct in financial matters. Further "Register of Members' Interests" must be produced before the Election Commission, if a sitting member seeks re-election to the Parliament/State Legislature.

The Speaker, Meghalaya Legislative Assembly has stated that accumulating wealth disproportionate to income as public servants and abuse of power and position may be treated as unethical conduct.

The Speaker, Rajasthan Legislative Assembly has indicated the following as unethical conduct of members in financial matters:-

A member should not:

- (a) try to secure business from Government for a Firm, Company or Organisation with which the member is directly or indirectly concerned.
- (b) make profit out of a Government residence allotted to him by subletting the premises.
- (c) unduly influence Government officials or Ministers in a case in which he is interested financially either directly or indirectly.
- (d) receive hospitality of any kind from a person or Organisation on whose behalf the work is done by him.
- (e) endorse incorrect certificates on bills claiming amounts due to him.

-
- (f) elicit information from Government in an unauthorized manner by inducing an official to give information, which in the course of his normal functions the official should not do, nor encourage any such person to speak to him against his senior officer on matters of public importance and policy.

The Speaker, UP Legislative Assembly has stated that deliberate concealment of facts and/or furnishing of false information or non-furnishing of information regarding financial matters may constitute unethical conduct of a member.

The Speaker, Nagaland Legislative Assembly has stated that the connotation of the word 'corruption' may be a reasonable basis for defining "unethical conduct in financial matters".

The Speaker, Kerala Legislative Assembly has stated that specific categorization need not be attempted to and flexibility is more desirable.

The Speaker, Karnataka Legislative Assembly has stated that non-filing of assets and liabilities statement on time and violation of Taxation Laws may constitute unethical conduct in financial matters.

The Punjab Vidhan Sabha Secretariat have stated that concealment of assets in the Statement to be furnished by the members may be treated as unethical conduct in financial matters.

The Madhya Pradesh Vidhan Sabha Secretariat have stated that if any member gives false information relating to his income, assets and liabilities, besides misusing official position as a member of the House for financial gains it may be treated as unethical conduct in financial matter.

The Gujarat Legislature Secretariat have stated that the following acts shall constitute unethical conduct:—

- (i) Acts which amount to corruption.
 - (ii) Acts which derogate the dignity and decorum of the Parliament/legislature.
 - (iii) Acts outside the Parliament/legislature which are inconsistent with the expected moral standards from the member.
 - (iv) Acts which violate the law of the land.
-

The Bihar Legislature Secretariat have stated that offences punishable under Economic Offences Act and assets acquired by illegal means may constitute unethical conduct of members in financial matters.

The West Bengal Legislative Assembly Secretariat have stated that submitting false bills for TA/DA and medical reimbursement, taking bribe on the commitment of supporting another political party in the House, misuse of railway travel coupons and taking money from outside by supplying confidential matters and business related to the House shall constitute unethical conduct of a member in financial matters.

The Sikkim Legislative Assembly Secretariat have stated that "taking bribe" shall constitute unethical conduct of a member in financial matters.

The Pondicherry Legislative Assembly Secretariat have stated that use of any amenities provided to the member against the law shall be treated as unethical conduct of a member in financial matters.

The Tamil Nadu Legislative Assembly Secretariat have stated that if any member has not taken a decision solely in terms of

public interest or indulged in any act which resulted in financial gain or other material benefit for himself or for his family members directly or indirectly besides want of transparency in action taken in the public interest will constitute unethical conduct in financial matters.

The Karnataka Legislative Council Secretariat have stated that declaration of false statement in respect of Assets and Liabilities besides false declaration of election expenses before the Election Commission will constitute unethical conduct of members in financial matters.

The Haryana Legislature Secretariat have opined that the same would have to be determined by Committee on Ethics.

The President, RJD has suggested adoption of the practice in the House of Commons as regards to this question.

The Leader Lok Jan Shakti has stated that non-payment of taxes, making unreasonable recommendations on any matter especially where financial transactions are involved and setting aside normal channels of rules and regulations to protect vested interests will constitute unethical conduct.

The leader, BJD Parliament Party has stated that amassing wealth and income beyond known source of income by misusing official position and acceptance of costly gifts, hospitality and sponsorship of overseas visits etc. should be treated as unethical conduct of members in financial matters.

The leader, ABLTC Party in Lok Sabha has stated that there should be a total restriction on foreign travel sponsored by someone else or making director of a firm by an industrialist after one is elected to the House.

The leader, INLD has stated that obtaining or attempt to obtain any financial benefit illegally or which under the existing Law, Rules, Regulations, Orders is not permissible, shall constitute unethical conduct of the member in financial matters.

The leader, PMK has stated that following acts shall constitute unethical conduct of a member in financial matters:—

- (a) Holding an office of profit overtly or covertly or through proxies or benamies.
 - (b) Accumulation of wealth or income disproportionate to known sources of income.
-

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- (c) Furthering the business interest of a member or his family or his relatives or his friends.
 - (d) Abetting the furtherance of business interest of anyone for illegal gratification.
 - (e) Non-disclosure or declaration of sources of income and wealth and the annual income generated thereon from time to time.
 - (f) Under valuation and over valuation of properties through fraudulent practice to circumvent the tax or other laws of the land.
 - (g) Non-payment of tax or other dues to the Government in time.
 - (h) Lavish and luminous spending on marriages, Birthdays and other ceremonies.
 - (i) Conspicuous consumption and vulgar display of consumerism by the member in his private life.
 - (j) Spending in elections beyond the expenditure limit prescribed by the Election Commission.
 - (k) Receiving or offering bribe in cash or kind.
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| | | <p>(l) Generation of black money and indulging in black marketing and smuggling.</p> <p>(m) Holding cash or other liquid assets in foreign banks or institutions.</p> <p>(n) Any other conduct leading to illegal gratification and financial activities.</p> |
| <p>12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?</p> | | <p>All except the Speaker, J&K Legislative Assembly, President, RJD, leaders of INLD and PMK besides Karnataka Legislative Council Secretariat and West Bengal and Haryana Legislative Assembly Secretariats have replied in affirmative.</p> <p>The Speaker, UP Legislative Assembly has added that such statements may first be Tabled in the House and also published in official Gazette to make them public thereafter.</p> <p>The Speaker, J&K Legislative Assembly has disagreed and stated that classified information needs to be kept secret.</p> <p>The President, RJD has stated that he does not see any reason why the financial disclosure statement and declaration by members should be laid on the Table and thereby made public.</p> |

The leader, INLD while disagreeing has stated that if the financial disclosure statement is laid on the Table and thereby made public, it will subject the Hon'ble member to unnecessary controversies both in media and public.

The leader, PMK has stated that the financial disclosure statement may not be laid on the Table at this point of time. However, it may be considered in course of time.

The Karnataka Legislative Council Secretariat have stated that it is not necessary that the financial disclosure statement and declaration of interests be laid on the Table. Only the names of the members who do not file their statement should be published in leading newspapers.

The West Bengal Legislative Assembly Secretariat have stated that the information relating to income, assets and liabilities furnished by the legislators should be treated as confidential and not laid on the Table and thereby made public.

OTHER SUGGESTIONS

Speaker, Goa Legislative Assembly

- (i) A person having any criminal record should not be allowed to contest elections.
- (ii) A candidate should declare all his assets before contesting.

Speaker, J&K Legislative Assembly

- (i) The loophole in the Anti-Defection Law is that if a member defects he is to be penalized, if a group of persons commit the same defection, this is legal. This defection by a single person or a group of persons is immoral and unethical. The law should, therefore, provide that a person defecting after being elected should be immediately disqualified.
- (ii) For purposes of getting into legislative bodies/Parliament it should be incumbent upon the aspirant to be at least a graduate.
- (iii) It should be incumbent upon all political bodies that after every term in the Parliament or State Legislatures, a sizeable number of members should be changed.

Speaker, Tripura Legislative Assembly

The following acts should also be treated as unethical conduct:—

- (i) To speak willfully against the Chair's ruling and challenging the ruling of the Chair.
- (ii) Allegations and interruptions by members while the Presiding Officer is on his legs.
- (iii) Unruly and indecent behaviour of member while President/Governor is entering the House and delivering his address.
- (iv) Throwing of papers and other things towards Chair.
- (v) Shouting of slogans and creation of such disorderly situation before the Presiding Officer takes his chair.

President, RJD

Attention has been drawn to the following aspects:—

- Increased incidents of paper trails of public representatives by host of bodies like press, electronic media, judiciary and bureaucracy needs attention. Politicians are becoming the common target of these bodies.
- Elected members of Parliament and State Legislature who are subject to worst kind of character assassination find themselves in a very helpless condition because verdict against them is publicly pronounced even before the trial. In majority of these cases, the victim MPs and legislators are found innocent at the end of judicial trial but in the meanwhile their reputation already gets damaged due to adverse media reports. They do not get any relief even after being pronounced innocents.
- Though IPC contains provisions for filing of defamation cases but trial under them are so lengthy that before one gets relief he is already punished in the public eye through constant character assassination by the media.
- The Committee on Ethics may ponder over the above aspects and find out remedial measures against vicious calumnies. The recommendations of the Committee on these matters must get legal sanction so that public life could be pursued more independently and fearlessly by members.

Leader, Lok Jan Shakti

As most of the people approach public representatives for redressal of every type of their problems/grievances, a definite action plan needs to be prepared to educate our people about the type of things for which public representatives should be approached. An awareness campaign should be launched to educate the masses in this regard.

APPENDIX-III

(See Para 19 of the Report)

LOK SABHA SECRETARIAT
(Ethics Committee Branch)

**COPIES OF COMMENTS/VIEWS RECEIVED FROM
PRESIDING OFFICERS OF STATE LEGISLATURES/
LEADERS OF POLITICAL / LEGISLATURE
PARTIES ON CONSULTATION PAPER ON
ETHICS RELATED MATTERS**

CONTENTS

| Presiding Officers/Legislature Secretariats | PAGE NO. |
|--|----------|
| (1) Shri R. Lalawia, Speaker, Mizoram Legislative Assembly. | 55 |
| (2) Shri Pratapsingh Raoji Rane, Speaker, Goa Legislative Assembly. | 56 |
| (3) Shri A.A. Vakil, Speaker, Jammu & Kashmir Legislative Assembly. | 57 |
| (4) Shri Jitendra Sarkar, Speaker, Tripura Legislative Assembly. | 60 |
| (5) Shri E.D. Marak, Speaker, Meghalaya Legislative Assembly. | 64 |
| (6) Shri Parasram Maderna, Speaker, Rajasthan Legislative Assembly. | 66 |
| (7) Shri Keshari Nath Tripathi, Speaker, Uttar Pradesh Legislative Assembly. | 70 |
| (8) Shri Z. Lohe, Speaker, Nagaland Legislative Assembly. | 73 |
| (9) Ch. Prem Singh, Speaker, Delhi Vidhan Sabha. | 75 |
| (10) Shri Vakkom Purushothaman, Speaker, Kerala Legislative Assembly. | 77 |

| | | |
|------|--|-----|
| (11) | Shri M.V. Venkatappa, Speaker, Karnataka Legislative Assembly. | 81 |
| (12) | Punjab Vidhan Sabha Secretariat. | 85 |
| (13) | Madhya Pradesh Vidhan Sabha Secretariat. | 88 |
| (14) | Gujarat Legislature Secretariat. | 90 |
| (15) | Maharashtra Legislature Secretariat. | 93 |
| (16) | Bihar Legislature Secretariat. | 95 |
| (17) | West Bengal Legislative Assembly Secretariat. | 98 |
| (18) | Sikkim Legislative Assembly Secretariat. | 103 |
| (19) | Pondicherry Legislative Assembly Secretariat. | 106 |
| (20) | Tamil Nadu Legislative Assembly Secretariat. | 109 |
| (21) | Karnataka Legislative Council Secretariat. | 113 |
| (22) | Haryana Vidhan Sabha Secretariat. | 116 |

Leaders of Parties

| | | |
|------|--|-----|
| (23) | Smt. Sonia Gandhi, Leader of Opposition & Leader of Indian National Congress. | 120 |
| (24) | Shri Lalu Prasad, President, Rashtriya Janata Dal. | 121 |
| (25) | Shri Ram Vilas Paswan, MP & Leader of Lok Jan Shakti. | 125 |
| (26) | Shri Arjun Charan Sethi, MP & Leader of Biju Janata Dal Parliamentary Party. | 129 |
| (27) | Shri Chandra Vijay Singh, MP & Leader of Akhil Bhartiya Lok Tantrik Congress Party. | 133 |
| (28) | Shri Devendra Prasad Yadav, MP & Leader of Janata Dal (U). | 135 |
| (29) | Dr. Sushil Indora, MP & Leader of Indian National Lok Dal. | 138 |
| (30) | Dr. S. Ramadoss, Leader of PMK. | 142 |



LEGISLATIVE ASSEMBLY
AIZAWL - 796001

D.O. No. SPK./1/2000/51
Dt. 16.04.2001

Dear Shri Chandra Shekhar,

I acknowledge receipt of your letter No. 1/11/2001/CE dated 3rd April, 2001 with thanks.

I have gone through the consultation paper on procedure for complaints, serial Nos. 1 to 9. In principle, I agreed to all the points and I wish to convey my views in affirmative. As such, I put the matters to the Committee for their consideration, and, I do not propose to personally meet the Committee on these matters.

Yours Sincerely

Sd/-
(R. LALAWIA)

Shri Chandra Shekar, MP (LS)
Chairman
Committee on Ethics,
146, Parliament House,
New Delhi-110 001.



PRATAPSINGH RAOJI RANE
SPEAKER
GOA LEGISLATIVE ASSEMBLY

SP/GLA/1/2001/362
17th April, 2001

Dear Shri Chandra Shekharji,

I am in receipt of your letter No. 1/1/2001/CE dated 3rd April, 2001 and to state that I have gone through the Consultation paper and agree with the points mentioned therein.

As regards to point No. 11, I am of the opinion that Corruption, taking bribes (accepting costly presents) & evading taxes and misuse of power, such as favouritism would constitute unethical conduct.

I would also like to put forth following suggestions:

1. A person having any criminal record should not be allowed to contest for elections.
2. The candidate should declare all his assets before contesting.

With warm regards,

Yours Sincerely,

Sd/-
(PRATAPSINGH RAOJI RANE)

Shri Chandra Shekhar, M.P.
Lok Sabha
146, Parliament House,
New Delhi-110 001



SPEAKER
J&K LEGISLATIVE ASSEMBLY
JAMMU/SRINAGAR

D.O. No. LA-177/PS
Dated: 24.04.2001

My Dear Chandra Shekharji,

I am in receipt of your letter wherein some very important issues have been raised to elicit opinion from Speakers and other political leaders and learned people on Committee on Ethics. Since the days of independence and first Lok Sabha the values of public life are getting every day eroded and if this trend is not arrested at an earliest, I fear that the faith of the people in democratic way of life will go down. There are laws such as Anti Defection Law to maintain purity in public life but there is a loophole in the same Act:

- (a) if a member defects he is to be penalized, if a group of persons commit the same defection, this is legal. This defection by a single person or a group of persons is immoral and unethical, therefore the law should provide that a person or a group of persons defecting after being elected should be immediately disqualified;
- (b) For purposes of getting into Legislative Bodies/Parliament it should be incumbent that the aspirant should be at least a graduate, and
- (c) It should be incumbent on all political bodies that after every one term in the Parliament or State Legislatures a sizable number of Members should be changed.

The Constitution of Ethics Committee is a step in right direction to refurbish the image of our constitutional democracy/social order:

- (i) to rehabilitate orderly lawful conduct of proceedings in Parliament/Legislatures;
- (ii) to reassert the values in public life, strengthen lawful, socio-economic order. The issues you have raised are very pertinent and important.

I wish your committee all success and I am sure your personal interest will go a long way in achieving the objectives of building socio-political and economical order in the country in conformity with the ideals enshrined in the Constitution of the country. I herewith attach the views and comments in respect of consultation to be circulated.

With regards,

Yours Sincerely,

Sd/-
(A.A. VAKIL)

Shri Chandra Shekhar,
M.P., Lok Sabha,
Chairman,
Committee on Ethics,
New Delhi.

COMMENTS/SUGGESTIONS *vis-a-vis* CONSULTATION PAPER

Procedure for Complaints

1. YES, but the Lok Sabha Speaker may before referring Complaint relating to unethical conduct of a member make thorough investigations *vis-a-vis* hearing both the parties and determine himself whether the issue is of such nature to be referred to the Committee of Ethics for further investigations, examination and report.
2. YES
3. YES
4. YES
5. NO, the Complaint relating to unethical conduct of a member should be always addressed to the Speaker who, if he thinks fit may refer the matter to the Committee on Ethics for investigation, examination and report.
6. YES.

7. YES, a time limit not exceeding three months should be laid down within which the inquiry into a complaint be completed by the Ethics Committee because by fixing the time limit the purpose of natural justice can be achieved and in case no time limit is fixed in the procedure, it would construed the denial of justice.
8. YES
9. YES
10. YES
11. In order to maintain and uphold the highest traditions in Parliamentary life, the Parliamentarians/Legislators are expected to observe a certain standard of conduct both in and outside the House. The members should exhibit and display honesty while performing their legitimate duties as Parliamentarians/Legislators. Their behaviour should enhance the dignity of the House and its members in general. Being public men, representing the will of the people, they should dedicate themselves for the welfare of the common people above their personal interest and party affiliations and strengthen their representative character. People choose them to represent their views in highest constitutional forum and it is obligatory upon them to maintain the sanctity of the constitution and reflect decent, constructive behaviour and come up to their expectations.
12. NO, because classified information needs to be kept a secret.



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JITENDRA SARKAR
SPEAKER

TRIPURA LEGISLATIVE ASSEMBLY
AGARTALA

D.O. No. F. 4 (205)-LA/2001

Dated 25th April, 2001

Dear Shri Chandra Shekharji

In response to your letter No. 1/1/2001/CE dated the 3rd April, 2001. I am furnishing herewith my views on the Questionnaire drawn up by your Committee.

I firmly trust that your able initiative will certainly help the Members to be aware of their obligation in observing certain standard of conduct, both inside the House as well as out-side, and will thus create positive atmosphere in upholding the dignity and sanctity of Parliament/ Legislature in the democratic system of Government.

With warm regards.

Yours Sincerely

Sd/-
(JITENDRA SARKAR)
SPEAKER

To
Shri Chandra Shekhar,
Chairman,
Ethics Committee,
Lok Sabha,
146, Parliament House,
New Delhi-110 001.

LOK SABHA SECRETARIAT
(Ethics Committee Branch)

CONSULTATION PAPER

Answers to the Questionnaire Seriatim

Procedure for Complaints

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

Ans: To be addressed to the Speaker, the Chairman of the Ethics Committee or the Secretary, Lok Sabha/State Legislature.

2. Should it be open for any citizen to make such a complaint?

Ans: Yes.

3. Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

Ans: Yes, an affidavit to the effect that the Complaint is not false, frivolous and vexatious must accompany the Complaint. Further, supporting documentary evidence other than media report should also be submitted alongwith the Complaint.

4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

Ans: The Speaker may refer the complaints, as addressed to him, to the Committee. The House also may refer such complaints to the Committee.

5. Do you feel that the Committee on Ethics may also be empowered to *Suo motu* take up for investigation matters relating to ethics?

Ans: Yes.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

Ans: Yes.

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Ans: Where no time has been fixed by the Speaker or the House for presentation of the Report, the Report shall be presented within three months from the date of reference.

Provided that the Speaker or the House, as the case may be, may from time to time, extend the date of presentation of the Report by the Committee.

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

Ans: Yes.

9. If so, should financial disclosure statement be filed every year?

Ans: Yes.

10. Do you agree that a register of members interest on the basis of information furnished by the members should be maintained?

Ans: Yes.

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

Ans: Obtaining or attempt to obtain any financial benefit illegally or which is not admissible as per existing Law, Rules, Regulations or orders in connection with any matter whatsoever should constitute unethical conduct in financial matters.

This Act may be amended innovating provisions that "Register of Members' Interest" must be produced before the Election Commission, if a sitting Member seeks re-election to the Parliament/State Legislature.

12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

Ans: Yes.

Additional Points

1. The long established parliamentary Etiquette is that Rulings of the Chair cannot be challenged. But Now-a-days it is observed that Members tend to speak willfully against the Chair's Rulings. Such act of Members should also be treated as unethical conduct of the Members.
2. Another Parliamentary Etiquette is that when the Presiding Officer rises on his legs, the Members who are making allegations loudly or so, standing on their seats, will take seat silently. But, this Etiquette is also being dishonoured by the Members in Parliament, as well as in State Legislatures. Such act of Members should also be booked as violation of Ethical Conduct of Members.
3. The following acts of the Members should also be treated as unethical conduct:—
 - (a) Unruly and indecent behaviour of Members while H.E. the President/Governor entering the House and delivering his address.
 - (b) Throwing of papers and other things towards the chair.
 - (c) Shouting of slogans and creation of such other disorderly situation by the members before the Presiding Officer takes his chair, and standing business of the House.



SHRI E.D. MARAK
SPEAKER
MEGHALAYA LEGISLATIVE ASSEMBLY

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PABX : 2231
Williamnagar : 03658 20270 (R)
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D.O. No. LB. 37/LA/01/5
Date MAY, 01, 2001

Dear Shri Shekharji,

Kindly refer to your letter No. 1/1/2001/CE dt. 3rd April, 2001 seeking replies to the questionnaires. As desired I enclose herewith replies to the questionnaires for your information.

With warm regards.

Yours Sincerely

Sd/-
(E.D. MARK)

Shri Chandra Shekhar,
Member of Parliament
Lok Sabha and Chairman,
Committee on Ethics,
146, Parliament House,
New Delhi-110 001.

REPLY TO CONSULTATION PAPER

- Para
1. Yes, I agree.
 2. Yes, it should be open to public.
 3. Yes, affidavit to accompany the complaint
 4. Yes, since the House is the highest body to dispose of such cases.
 5. Yes, provided this has not included in the Rules.
 6. Yes, this can be made as done to other Committees in the form of Internal Working Rules.
 7. Yes, but time may be extended if the Committee could not finalise examination within the stipulated time.
 8. Yes, if transparency is to start from the top.
 9. Yes, if not quarterly.
 10. Yes.
 11. Accumulating wealth disproportionate to income as public servants and abuse of power and position.
 12. Yes.



**PARASRAM MADERNA
SPEAKER
RAJASTHAN LEGISLATIVE ASSEMBLY**

Dated: 10/5/2001

Dear Shri Chandra Shekharji,

I am extremely happy to know, that a Committee on Ethics is formulating required issues for day-to-day working of this committee. Our parliamentary democracy has come at a juncture where accountability for parliamentarians is called for by their mentor public. Hence the constitution of committee on Ethics is a step in right direction. In fact I wanted to express my views personally before this August Committee, but for my preoccupation in the affairs of my present office. I have gone through the consultation paper drawn up by the committee and expressed by considered views on every question in the annexed sheet. I hope this will suffice the object.

With regards,

Yours faithfully,

Sd/-
(PARASRAM MADERNA)

Shri Chandra Shekhar, M.P.
Chairman, Committee on Ethics,
146, Parliament House,
New Delhi 110 001.

Jaipur-302 006 ☐ Phone: 744321, 744301 Ext. 101 (Office), 224862, 224761 (Res.)
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ETHICS COMMITTEE

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

Agreed:

Reply A complaint relating to the unethical conduct of a member may be addressed to the Speaker, Lok Sabha the Speaker may refer it to the Committee on Ethics.

2. Should it be open for any citizen to make such a complaint.

Reply Yes, it may be open for a citizen to make such a complaint.

3. Would it be appropriate to make it mandatory for the complainant? If so, should an affidavit to this effect accompany the complaint?

Reply Yes, it must be made mandatory for the Complainant to ensure that the complaint is not false frivolous, vexatious and that is made in good faith. Yes an affidavit to this effect be attached with the complaint so that if the complainant is found false an appropriate action, against the complainant, may be initiated as per law.

4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

Reply Yes, the House may also refer complaint relating to unethical conduct of a members, to the Committee on ethics for examination and report.

5. Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

Reply Yes, the Committee may also take up matters relating to unethical conduct of Member *suo-motu* whenever felt necessary.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

Reply The suggestion of No. 6 is agreed to.

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Reply Yes, there should be time limit for completing the enquiry by the committee which may not exceeding three months.

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

Reply Yes, Mandatory provision should be laid down for disclosure of income, assets and liabilities by Members.

9. If so, should financial disclosure statement be filed every year?

Reply Members should file Statement for their financial disclosure every year.

10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?

Reply Register compiling the information furnished by the member may be maintained.

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

Unethical Conduct of Members in Financial Matters

- (i) A Member should not try to secure business from Government for a Firm, Company or organisation with which he is directly or indirectly concerned.

- (ii) A Member should not make profit out of a Government residence allotted to him by sub-letting the premises.
- (iii) A Member should not unduly influence Government officials or Ministers in a case in which he is interested financially, either directly or indirectly.
- (iv) A Member should not receive hospitality of any kind for any work that he desires or proposes to do from a person or organisation on whose behalf the work is to be done by him.
- (v) A Member should not endorse incorrect Certificates on bills claiming amounts due to him.
- (vi) A Member should not elicit information from Government in an unauthorized manner by inducing an official to give information, which in the course of his normal functions the official should not do, nor encourage any such person to speak to him against his senior official on matters of public importance and policy.
- (vii) A Member should not write recommendatory letters or speak to Government officials for employment or business contacts for any of his relations or other persons in whom he is directly or indirectly interested.

12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

Reply The financial disclosure statement and declaration of interests by a member be laid on the Table of the House.



केशरी नाथ त्रिपाठी
विधान सभा भवन
लखनऊ

संख्या : 1070/अ.वि.स./2001
दिनांक: 17th May, 2001

Respected Chandra Shekhar ji,

I am grateful to you for inviting my views on the points under consideration before the Committee on Ethics to oversee the moral and ethical conduct of members of Lok Sabha. Since the Uttar Pradesh Vidhan Sabha is in Session, I am sending my views herewith.

With warm regards,

Enclosure: As above.

Yours sincerely,

Sd/-
(Keshari Nath Tripathi)

Hon'ble Shri Chandra Shekhar,
Member of Lok Sabha and
Chairman, Committee on Ethics,
146, Parliament House,
New Delhi-110001.

POINTWISE VIEWS ON POINTS UNDER CONSIDERATION
BEFORE THE COMMITTEE ON ETHICS OF LOK SABHA

CONSULTATION PAPER

Procedure for complaints:

Point No. 1 Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

Yes.

Point No. 2 Should it be open for any citizen to make such a complaint?

No. The ambit of such complaints should be restrained and limited for the members only. Citizens can move to court and seek remedy under law.

Point No. 3 Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

Yes. An Affidavit given with such a complaint would definitely ensure the validity and minimise the number of such complaints.

Point No. 4 Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

Yes.

Point No. 5 Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

No. The complaint should either be referred by the House or the Speaker.

Point No. 6 The Committee may evolve its own procedure consistent with principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

Yes.

Point No. 7 Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Yes, but the limit may be increased upto a maximum period of six months with the prior approval of the Speaker.

Financial Disclosures/Declaration of Interests:

Point No. 8 Do you favour mandatory disclosure of income, assets and liabilities by members?

Yes. Also that law relating thereto should contain penal clause for lapse, if any, to ensure sanctity of the system.

Point No. 9 If so, should financial disclosure statement be filed every year?

Yes.

Point No. 10 Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?

Yes.

Point No. 11 In your opinion, what acts constitute unethical conduct of members in financial matters?

Deliberate concealment of facts and/or furnishing of false information or non-furnishing of information regarding financial matters may constitute unethical conduct of a member.

Point No. 12 Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

Such statements may first be tabled in the House and also published in Official Gazette to make them public thereafter.



SPEAKER
NAGALAND LEGISLATIVE ASSEMBLY
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No. : AS/LEG-26/95/67
Dated 16th May, 2001.

Dear Shri Chandra Shekharji,

With reference to your D.O. letter No. 1/1/2001/CE dated 3rd April, 2001, I am sending herewith the views on moral and ethical conduct of members as desired.

Yours sincerely,

Sd/-
(Z. LOHE)

Shri Chandra Shekhar,
M.P., Lok Sabha,
Chairman, Committee on Ethics.

1. Yes.
2. People being the ultimate masters in a democracy, it should be allowed.
3. Yes, in order to ensure that the complaint is not frivolous, malacious and baseless, an affidavit should accompany it.
4. Yes, the House may on a motion refer complaints relating to unethical conduct of Members to the Committee on Ethics for examination and report.
5. Rules may be framed with a provision that the Committee may also be empowered to *suo motu* to take up for investigating matters relating to ethics.

6. Yes, the Committee may evolve appropriate procedure to deal with such cases.
7. Certainly, it would be more meaningful if time limit is fixed for disposing of such cases if the Committee wants to mean business.
8. Yes, in order to combat corruption at high level, I agree that mandatory disclosure of income, assets and liabilities of Members be made.
9. Yes, in order to make the system purposeful, such disclosures should be made annually.
10. Yes, a Register may be maintained with concerned Members' signature countersigned by the Speaker vouchsafing such information.
11. The connotation of the word 'corruption' may be the reliable and reasonable basis for defining "unethical conduct in financial matters."
12. Financial disclosure statement and declaration of interests that might be required of a Member may be laid on the table of the House and be made public so that people can work as watch-dog regarding probity, integrity and uprightness of a Member.



चौ. प्रेम सिंह
CH. PREM SINGH
अध्यक्ष, दिल्ली विधान सभा
Speaker, Delhi Vidhan Sabha
पुराना सचिवालय, दिल्ली-110054
दूरभाष: 3964720, 2910140
फैक्स: 3980375
OLD SECRETARIAT, DELHI-110054
Tel.: 3964720, 2910140
Fax.: 3980375

DO No. F. 34(17)/2000-LAS/TO/7769
Dated: 24.7.2001

Dear Shri Chandra Shekharji,

This has reference to your letter No. 1/1/2001/CE dated 3rd April, 2001 asking for my views and suggestions with regard to the ethics related complaints and disclosure of Income and assets etc. by members.

During last 43 years of my life as elected representative, the most important change which I have noticed is that the credibility of our elected representative and people in public life has never been as abysmally low as it is today. The poor image of legislators and politicians is resulting in people's faith dwindling in democracy as a system of governance. The common man's perception of elected representatives being what it is, there is an urgent need to stem the rot. With this end in view and as a first step, it is necessary to evolve a forum or institution (called Ethics Committee) to whom all complaints received by the Speaker or the House about the unethical conduct or behaviour of a member could be forwarded for examination and report.

With a view, however, to discourage filing of false and frivolous complaints aimed merely at tarnishing the image of an elected member, it may be appropriate to insert a provision in the Rules to the effect that in the event of a complaint turning out to be untrue and without any basis, the complainant can be penalised or proceeded against.

The Ethics Committee should be empowered to take *suo motu* cognisance of unethical conduct or behaviour of a member. The matter should be handled in the same manner as a complaint regarding breach of privilege is dealt with and all the rules of natural justice meticulously observed.

Since the Committee would be required to examine the matter indepth and for this purpose may have to call for papers and documents from various agencies and call for the evidence of individual and groups, the time limit of three months for disposing of complaints of this nature may not be sufficient in all cases.

As regards, declaration of income, assets and liabilities, I feel that this is certainly desirable in order to maintain probity in public life. It may, however, be more appropriate if such statements are filed annually with the Speaker/Chairman and the Secretariat may maintain the record thereof.

With best regards,

Yours sincerely,

Sd/-
(CH. PREM SINGH)

To,
Shri Chandra Shekhar, M.P.,
Chairman,
Committee on Ethics,
146, Parliament House,
New Delhi.



VAKKOM PURUSHOTHAMAN
SPEAKER
KERALA LEGISLATIVE ASSEMBLY
THIRUVANANTHAPURAM

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D.O. Lr. No. 1269/Table/3/2001/Leg.
Date : 03.08.2001

Dear Shri Chandra Shekhar,

As desired by you *vide* letter No. 1/1/2001/CE dated 3.4.2001, I have considered the proposals noted in the Consultation Paper of the Committee on Ethics under your chairmanship. As I was in the midst of the Session, my views mentioned below may appear rather instantaneous, but of course, I have deliberated upon the matter carefully. The same is noted below pointwise:

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

I absolutely agree with the suggestion. Only through the Speaker and after consideration by the Speaker of the Lok Sabha the complaint may be referred to the Committee on Ethics, failing which the role of the Speaker as the Head of the House of People and his status as the authority that holds the reins so far as the functioning of the House is concerned is likely to be undermined and the balance of power upset.

2. Should it be open for any citizen to make such a complaint?

It would be ideal and in conformity to the prevalent concept of transparency of the affairs of the public men that citizens too have access to the Committee on Ethics, but strictly through the Speaker of the Lok Sabha, so that frivolous and undesirable complaints motivated on account of spurious publicity may be discretely curtailed at the inception.

3. Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

It is absolutely essential to ensure that the complaint is not false, frivolous, vexatious and is made in good faith as otherwise a virtual floodgate of complaints against the Members of Parliament are likely to be opened as the Members of Parliament are deeply involved in contraversies and disputes and are in the midst of struggles to uphold the rights etc. of various sections of people which is likely to create strong rivalries and feelings of animosity. An affidavit in support is the right safeguard in this regard.

4. Do you agree that the House may also refer complaints relating to unethical conduct of members to the Committee on Ethics for examination and report?

The proposal, I feel, may not be conducive of the functioning of the Committee in correct perspective as the House straight away considering the matter would give rise to much unfavourable publicity which even if the complaint is untrue may tarnish the image of the Members of Parliament concerned. I am strongly against the above proposal.

5. Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

The above proposal also is objectionable and I strongly disapprove the same as the control of the conduct of business will be partly removed from the hands of the Speaker and also as false and adverse publicity even in the case of ill-motivated complaints will result.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

I fully agree with the above proposal as the same is procedure that stood the test of the times in the Parliaments of the Commonwealth Countries.

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

A time limit is essential and three months as the maximum that would be required depending on the nature and magnitude of the allegation to dispose of the same. The Speaker may be invested with the power to extend the time limit in extraordinary cases but within an outer limit.

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

It is my view that the House may not tread in this area as the law required in this regard is under active consideration. In Kerala, the Kerala Lok Ayukta Act, 1999, Section 22 thereof, provides that the representatives of the people of the Legislature should disclose their assets and liabilities to the Governor of the State before the 30th of June in every two years and the Governor in turn in the case of non-filing of the statement by the M.L.A. is to report the matter to the Lok Ayukta, who shall publish the name of the defaulting M.L.A. in three newspapers having wide circulation in the State. Clause 18 of the Lok Pal Bill introduced in the Lok Sabha also contains a provision for the same *i.e.*, a disclosure statement is to be filed every year before the proposed Lok Pal and the Lok Pal to transit the same to the Speaker of the Lok Sabha or the Chairman of the Council of States as the case may be. In the above circumstances the matter may be left to the proposed statute to take care of.

9. If so, should financial disclosure statement be filed every year?

10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?

Consideration of the above does not arise in the light of my views on Point No. 8.

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

I am of the opinion that a specific categorisation need not be attempted to. Elasticity is more desirable. Of course, misuse of office for financial gain, acts prohibited by law or disapproved by the settled parliamentary norms, conventions or pronouncements should constitute unethical conduct of members in financial matters.

12. Should the financial disclosure statement and declaration of interest that might be required of a member be laid on the Table of the House and thereby made public?

The proposal is really awkward as the right to privacy even of the public men has to be respected. I disapprove the above proposal.

With regards,

Yours sincerely,

Sd/-
(VAKKOM PURUSHOTHAMAN)
SPEAKER

To

Shri Chandra Shekhar, M.P.
Chairman,
Committee on Ethics,
146, Parliament House,
New Delhi - 110 001.



M.V. VENKATAPPA
SPEAKER
KARNATAKA LEGISLATIVE ASSEMBLY
VIDHANA SOUDHA, BANGALORE-1

Tel. :

| |
|-------------------------|
| Off. : 2258171, 2251009 |
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| Fax : 2251469 |

Dated: 6th August, 2001

Dear Sir,

I herein enclose my views on the Consultation Paper drawn by the Committee on Ethics regarding the procedure for dealing with Ethics related to complaints and financial disclosures/declaration of interests by Members and Code of Conduct for Members for your kind information, as desired by you.

With warm regards,

Yours sincerely,

Sd/-
(M.V. VENKATAPPA)

To,
Shri Chandra Shekhar,
Member of Parliament,
(Lok Sabha), and
Chairman,
Committee on Ethics,
New Delhi.

ETHICS COMMITTEE

CONSULTATION PAPER

| Sl.No. | Question | Reply |
|--------|--|---|
| 1 | 2 | 3 |
| 1. | Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer to the Committee on Ethics? | Yes |
| 2. | Should it be open for any citizen to make such a complaint? | Yes |
| 3. | Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint. | It is mandatory for the complainant to ensure that the complaint is not false, made in good faith, but there need not be an affidavit to this effect to be enclosed to the complaint. In case, in the course of preliminary investigation, it is found that the person making the complaint has supplied incorrect facts or tried to bring discredit to the reputation of the Member willfully or through carelessness, he should be deemed to be guilty of breach of privilege of the Member as well as the House. |
| 4. | Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report? | Yes |

| 1 | 2 | 3 |
|--|--|--|
| 5. | Do you feel that the Committee on Ethics may also be empowered to <i>Suo-motu</i> take up for investigation matters relating to ethics? | Yes |
| 6. | The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree? | Yes |
| 7. | Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee? | Yes, Complaint should be disposed off within three months by the Ethics Committee. |
| Financial Disclosures/Declaration of Interest | | |
| 8. | Do you favour mandatory disclosure of income, assets and liabilities by members? | Yes |
| 9. | If so, should financial disclosure statement be filed every year? | Yes, Financial disclosure of income, should be filed immediately after every financial year. |
| 10. | Do you agree that a register of member's interest on the basis of information furnished by the member should be maintained? | Yes |

| 1 | 2 | 3 |
|--|--|---|
| 11. In your opinion, what acts constitute unethical conduct of members in Financial matters? | The following may constitute unethical conduct of Members in Financial matters:— | <ul style="list-style-type: none"> (1) Non-filing of assets and liabilities Statement in time. (2) Violation of Taxation Law. |
| 12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public? | No. It should be kept confidential as being done by; the Lokayuktha in the States. | |



**PUNJAB VIDHAN SABHA SECRETARIAT
VIDHAN BHAVAN
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No: 4-RO-90/2001/17864
Dated: 29.5.2001

To,

Shri Chandra Shekhar, MP,
Lok Sabha and
Chairman, Committee on Ethics,
146, Parliament House,
New Delhi.

**Sub: Committee on Ethics to oversee the moral and ethical
conduct of Members of Lok Sabha.**

Sir,

With reference to your letter No: 1/1/1001/CE, dated 3rd April, 2001, on the subject cited above, I am directed to enclose herewith the requisite information in an annotated form for your information and further necessary action.

Yours faithfully,

Sd/-
UNDER SECRETARY

| Sl.No. | Question | Reply |
|--------|--|--|
| 1 | 2 | 3 |
| 1. | Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics? | Agreed |
| 2. | Should it be open for any citizen to make such a complaint? | Yes |
| 3. | Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint? | Yes, an affidavit should be filed with the complaint. |
| 4. | Do you agree that the House may also refer complaints relating to unethical conduct of Members. To the Committee on Ethics for examination and report? | No, complaints should be addressed to the Hon. Speaker only. |
| 5. | Do you feel that the Committee on Ethics may also be empowered to <i>suo motu</i> take up for investigation matters relating to ethics? | Yes |
| 6. | The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of | The Committee may evolve its own procedure or follow the procedure already laid down for enquiry and determination of any question relating to breach of privilege of the House or a Member. |

Members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a Member. Do you agree?

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee. Yes

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by Members? Yes
9. If so, should financial disclosure statement be filed every year? Yes
10. Do you agree that a register of Member's interest on the basis of information furnished by the Member should be maintained? Agreed
11. In your opinion, what acts constitute unethical conduct of Members in financial matters? Concealment of assets in the Statement to be furnished by the Members.
12. Should the financial disclosure statement and declaration of interests that might be required of a Member be laid on the table of the House and thereby made public? Yes
-



**MADHYA PRADESH VIDHAN SABHA SECRETARIAT
BHOPAL-462003**

8041/V.S./LEGN./2001.

Dated 6 July, 2001.

From:

K.P. Tiwari,
Secretary.

To:

Shri Chandra Shekhar, M.P.,
Lok Sabha, &
Hon. Chairman,
Committee on Ethics,
146, Parliament House,
New Delhi - 110 001.

Sir,

With reference to your D.O. letter No. 1/1/2001/CE, dated 3 April, 2001, addressed to Hon'ble Speaker, Madhya Pradesh Legislative Assembly, I am directed to furnish the requisite information on Consultation Paper drawn up by the Committee on Ethics.

Yours faithfully,

Sd/-
(SECRETARY)

MADHYA PRADESH VIDHAN SABHA.

Encls: As above.

**DRAFT REPLY ON THE CONSULTATION PAPER
RECEIVED FROM LOK SABHA SECRETARIAT
(ETHICS COMMITTEE BRANCH)**

Procedure for Complaints:

- (1) Yes.
- (2) Yes.
- (3) Yes.
- (4) In my view there should be no restriction on the House referring complaints to the Committee for examination and report.
- (5) No. This may not be needed.
- (6) Yes.
- (7) Yes.

Financial Disclosures/Declaration of Interests:

8. Yes.
- (9) Yes.
- (10) It is not necessary.
- (11) In my opinion if any member gives false information relating to his income, assets and liabilities and, secondly, he takes undue advantage and makes financial gains by misuse of his official position as a member of the House, his acts should be treated as unethical conduct in financial matters.
- (12) Yes.



GUJARAT LEGISLATURE SECRETARIAT

S.I. SHERVA
Dy. Secretary
Viththalbhai Patel Bhavan,
Gandhinagar-382010.
Tele No. 079-3220151
Fax: No. 0

No. Leg-1/49. (1)/6550
Date: 16 July 2001.

To

Shri V.K. Sharma,
Director
Lok Sabha Secretariat
Parliament House
New Delhi-110001.

**Sub: Views on the consultation paper drawn up by the
Committee on Ethics.**

Sir,

Please refer to the letter No. 1-1-2001-CE dated the 3rd April, 2001 written by the Chairman, Ethics Committee and in continuation of this Secretariat's letter No. Leg-1/49(1)/3355 dated the 3rd May, 2001 on the subject cited above, I am directed to send herewith the views of Hon'ble Speaker, G.L.A. on the consultation paper drawn up by the Committee on Ethics.

Yours faithfully,

Sd/-
(S.I. SHERVA)
Deputy Secretary.

Encls: As above.

ANSWER TO CONSULTATION PAPER

Procedure for complaints

Que 1 Do you agree with the suggestion that a complaint relating to unethical conduct of member be addressed to the Speaker Lok Sabha who may refer it to the Committee on Ethics?

Ans 1 Yes.

Que 2 Should it be open for any citizen to make such a complaint?

Ans 2 No.

Que 3 Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

Ans 3 Yes.

Que 4 Do you agree that the House may also refer complaints relating to unethical conduct of members to the Committee on Ethics for examination and report?

Ans 4 Yes.

Que 5 Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

Ans 5 Yes.

Que 6 The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

Ans 6 Yes.

Que 7 Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

No response.

Financial Disclosures/Declaration of Interests.

Que 8 Do you favour mandatory disclosure of income assets and liabilities by members?

Ans 8 Yes.

Que 9 If so, should financial disclosure statement be filed every year?

Ans 9 Yes.

Que 10 Do you agree that a register of members interest on the basis of information furnished by the member should be maintained?

Ans 10 Yes.

Que 11 In your opinion, what acts constitute unethical conduct of members in financial matters?

Ans 11 The following acts/activities constitute unethical conduct of members in general.

- (1) Acts/Activities which amounts to corruption.
- (2) Acts/Activities which derogates the dignity a decorum of the parliament/Legislature.
- (3) Acts/Activities out side the parliament/Legislature which are inconsistent with the expected moral standard from the member.
- (4) Acts/Activities which violates the law of the land.

Que 12 Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

Ans 12 Yes.

These are some of the points raised and discussed from time to time. Kindly give any other suggestions you have in mind.



RAMESH KAMBLI
PRINCIPAL SECRETARY
VIDHAN BHAVAN
MUMBAI 400 032
NAGPUR 400 001

D.O. No. 33454
Date: 26.7.2001

From:

The Principal Secretary (I)
Maharashtra Legislature.

To

Joint Secretary,
Lok Sabha Secretariat,
Parliament House,
New Delhi - 110 001.

Subject: Comments/view on procedure for dealing with ethics related complaints and financial disclosure/declaration of interests by Members.

Dear Shri Rastogiji,

With reference to the letter dated 3rd April, 2001 written by Hon'ble Chairman, Ethics Committee to Hon'ble Speaker, Maharashtra Legislative Assembly and subsequent letter dated 11 July, 2001 to me for expediting the views/comments of the Hon'ble Speaker on the Ethics Committee to you latest by 31 July, 2001.

I am directed to inform you that Hon'ble Speaker, Maharashtra Legislative Assembly has discussed this matter with the leaders of opposition, leaders of parties and groups when it was decided to circulate the consultation paper prepared by Ethics Committee to all the Members of Maharashtra Legislature for inviting their views. On receipt of their views the same will be sent to you in due course.

The Ethics Committee is presently engaged in formulating the procedure to deal with the ethics related complaints of the members, financial disclosure/declaration and code of conduct. In view of the growing incidents in the Legislatures an effective machinery like Ethics Committee to deal with ethics related complaints and other matters is very much needed and this would certainly be a good step in right direction.

Both of our Presiding Officers would like to extend their full support to this move. They are also in agreement with the initiative being taken by Ethics Committee in evolving the procedure for dealing with the complaints, financial declaration and conduct of the members in Legislatures.

Yours faithfully,

Sd/-
(RAMESH KAMBLI)



J.P. PAUL
SECRETARY
BIHAR LEGISLATIVE ASSEMBLY
9, Hardinge Road, PATNA
Phone : 223840 (O), 224401 (R)
Fax : 0612-232212

Letter No. 60(S)
The 28.7.2001

To,

Shri S.C. Rastogi,
Joint Secretary (Ethics Committee Branch)
Lok Sabha Secretariat,
New Delhi.

Sub: Considered views of Hon'ble Speaker of Bihar Legislative Assembly on procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by members.

Sir,

In compliance to your letter No. 1/1/2001/CE dated 11.7.2001 I am directed to enclose herewith questionwise considers views my Hon'ble Speaker, Bihar Legislative Assembly on procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by members.

Kindly acknowledge the receipt of this communication.

Yours faithfully,

Sd/-
(J.P. PAUL)

Enclosure. 2 pages.

PROCEDURE FOR COMPLAINTS

1. I agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Hon'ble Speaker who may refer it to the Committee on ethics.
2. It should not be open for any citizen, but to a group of persons to make such a complain.
3. It would be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith. An affidavit by a 1st class Judicial Magistrate should accompany the complaint.
4. I am also of the view that the House may also refer complaints relating to unethical conduct of members to the committee on ethics for examination and report.
5. I am of the feeling that the committee on Ethics may also be empowered *suo-motu* to take up for investigation matters relating to ethics.
6. The Committee may evolve its own procedure consistent to principle of natural justice for the purpose of examining complaints of unethical conducts of members and which may as far as possible be the same as the procedure for enquiry and determination of the question as to breach of privilege of the House or a member.
7. I am of the view that a time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee.

Financial Disclosures/Declaration of Interests

8. It should be made mandatory disclosure of income, assets and liabilities by members.
9. Financial disclosure statement should be filed every year.
10. I agree that a register of members' interest on the basis of the information furnished by the member should be maintained.

11. In my opinion offences punishable under economic offences Act and assets acquired by illegal means constitute unethical conduct of members in financial matters.
12. I am of the view that the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public.

Above enumerated points raised and discussed are exhaustive to dealwith ethical matters and financial disclosures/declaration of interests.

**WEST BENGAL LEGISLATIVE ASSEMBLY SECRETARIAT
"ASSEMBLY HOUSE" KOLKATA-700 001**

No. 1089 L.A./MT.

From: Shri J.L. Chakraborty,
Joint Secretary-cum-Committee Officer,
West Bengal Legislative Assembly.

To: The Secretary General, Lok Sabha, Parliament House Annexe,
New Delhi-110 001
Fax: No. 011-3017465

Dated: Kolkata, the 31st July, 2001.

Sir,

Sub: Comments/views on procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by members.

In acknowledging the receipt of your letter No. 1/1/2001/CE dated 11th July, 2001, on the above subject, I am directed to send herewith a note containing comments/views of the Hon'ble Speaker, West Bengal Legislative Assembly on the procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by members as requested.

Yours faithfully,

Sd/-
JOINT SECRETARY-CUM-COMMITTEE OFFICER,
WEST BENGAL LEGISLATIVE ASSEMBLY.

Comments/views of Honorable Speaker, West Bengal Legislative Assembly on procedure for dealing with ethics related complaints and financial disclosures/declaration of interest by Members.

Procedure for complaints

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

Like the Committee of Privileges, the Ethics Committee moves in relation to the Members. The Committee of Privileges deals with the matter relating to the powers, privileges and immunities, etc. of the House of Parliament/Legislatures and of the Members. On the other hand the Ethics Committee look into the matters pertaining to Members' probity and morality in public and personal life. There is no privilege without maintaining ethics. Both the Committees are thus inter-related. Therefore any complaint relating to unethical conduct of a member should be addressed to the Secretary General of Lok Sabha in conformity with the provisions contained in the relevant rules pertaining to questions of privilege. However, if any complaint comes directly to the Speaker, Lok Sabha, he may refer it to the Ethics Committee for examination and investigation.

2. Should it be open for any citizen to make such a complaint?

The main object of the Ethics Committee is to grow political consciousness of the people, to change public perceptions about Legislators, to coerce the trend of criminalisation in politics and to uphold the moral values and standards in public life of a Legislator. In a democratic polity a Legislator has obligations towards his electorates. He must reflect the expectations and aspirations of the people who elect him. He is the chief custodian of the general public interest. He is expected to act for fulfilment of the public interest. Any type of unethical conduct of a Legislator is not only derogatory to the dignity of the House but also casts derogatory reflection on the public mind. Besides, it is the psychological aspect that a Legislator would not like to make any complaint against his colleagues *i.e.* another Legislator indulging in corrupt practices without political grounds. So it should be open for any citizen to make any complaint against a Legislator for his unethical conduct.

3. Would it be appropriate to make it mandatory for the complaint to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

According to views expressed in para 2, a Legislator or an Electorate may make complaint against a Member for his unethical conduct. If it comes from a Legislator, the complaint should be accompanied by the document(s) as per procedure followed in the case of questions of privilege. But if an electorate makes any allegation against a Legislator, his allegation(s) should be supported by documentary evidence and it should be a mandatory for him to ensure that his allegation is not false, frivolous and vexatious. To this effect an affidavit should accompany the complaint in order to check the frivolous complaints. It should be also mandatory that the complainant would be the onus of proof of allegation/complaint failing which he would be liable to penalty as decided by the Ethics Committee.

4. Do you agree that the House may also refer complaints relating to unethical conduct of members to the Committee on Ethics for examination and report?

House is the supreme body of the Parliamentary system. A Legislator has the responsibility to maintain discipline, decorum and decency in the House. It is also his responsibility to uphold the highest standard of the House in all respects. Any unethical conduct of a member impairs the dignity and the prestige of the House. The Ethics Committee is constituted by the House. So in order to keep up its highest standard, the House may also refer complaints relating to unethical conduct of members to the Ethics Committee for examination and report.

5. Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

The main function of the Ethics Committee is to investigate into the unethical conduct of a Legislator in and outside the House on the basis of complaint made by someone. The Ethics cover a wide area. It should not be function of the Committee to look into the personal matters of a Legislator without any complaint. It is desirable that a Legislator against whom no complaint is lodged by another legislator or any electorate should be honoured. Therefore, the Ethics Committee should take up for investigation into the specific complaint supported by documentary evidence.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

As per views expressed in para 1 the Committee of Privileges and the Ethics Committee are inter-related. Therefore the proposal made is agreed to.

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

It appears that it will be too difficult to fix any time limit for making an enquiry into a complaint. In an investigation case time is required according to its gravity. Therefore, there should be no time limit within which the enquiry into a complaint be completed by the Ethics Committee.

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

The Legislators are the representatives of the Public. They enjoy all facilities including Pay & Allowances from the State Exchequer. Like Ministers they should be treated as Public Servants. As per existing rules, Public Servants are required to submit their declaration of assets in a sealed cover envelop every year. When the question of corruption against a public servant arises, this will help the Administrative Authority to ascertain the fact to some extent. With a view to bringing transparency in the conduct of Legislator there should be mandatory disclosure of income, assets and liabilities by him which should be treated as confidential and if the situation arises, the Ethics Committee should only go through such statement in the courses of its investigation on any complaint.

9. If so, should financial disclosure statement be filed every year?

It appears that there is no need to file financial disclosure statement every year. Purpose will be served if the disclosure of income, assets, liabilities & engagement in any financial matters is filed twice, once at the time of taking oath and then at the time of termination of membership.

10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?

The information relating to income, assets and liabilities furnished by the Legislators should be treated as confidential as per procedure followed in the case of Govt. Servants. The information relates to the personal affairs of Legislators. It should not be appropriate to look into the personal affairs of a Legislator without any cause. Therefore, no register to that effect should be maintained.

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

It is very difficult to specify the act which constitutes unethical conduct of Members in financial matters. A Legislator may indulge in corrupt practices with or without monetary involvement. However, some acts like drawal of Travelling Allowance and Daily Allowance by submitting false bills, reimbursement of medical expenses by submitting fake medical bills, taking bribe on the commitment of supporting another political party in the House, misuse of Rail Travel Coupons, taking money from outside in view of supplying confidential matters and business relating to the House, etc. constitute unethical conduct of members in financial matters.

12. Should be financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

As per opinion expressed in para 10, the financial disclosure statement, etc. should not be laid on the table and made public.

No other suggestions at present.



**SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
NAMNANG, GANGTOK**

Phone : 23629, 23630

Ref. No. 92/2001-2002/SLAS (ADMN).

Dated 25/7/2001

To

Shri S.C. Rastogi,
Joint Secretary,
Lok Sabha Secretariat,
Parliament House,
New Delhi-110001.

Sub : Comments/views on procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by members.

Sir,

I am directed to refer to your letter No. 1.1.2001 CE dated 11 July, 2001 on the subject cited above and to send herewith duly filled in Consultation Paper relating to procedure for dealing with ethics related to complaints and financial disclosures/declaration of interest by members.

Yours faithfully,

Sd/-

(P. SHERPA)

UNDER SECRETARY (ADMN.) I

LOK SABHA SECRETARIAT
(Ethics Committee Branch)

CONSULTATION PAPER

Procedure for complaints

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker. Lok Sabha who may refer it to the Committee on Ethics?

Yes

2. Should it be open for any citizen to make such a complaint?

Yes

3. Would it be appropriate to make it mandatory for the complaint to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

Yes

4. Do you agree that the House may also refer complaints relating to unethical conduct of members to the Committee on Ethics for examination and report?

Yes

5. Do you feel that the Committee on Ethics may also be empowered to *sou motu* take up for investigation matters relating to ethics?

Yes

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

Yes

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Depends on the nature of the case

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

Yes

9. If so, should financial disclosure statement be filed every year.

Yes

10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?

Not necessary

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

Taking bribe (Tehalka expose)

12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

Financial disclosure statement by the members should be laid on the Table of the House and making public

These are some of the points raised and discussed from time to time. Kindly give any other suggestions you have in mind.



M. SIVAPRAKASAM
SECRETARY
LEGISLATIVE ASSEMBLY
PONDICHERRY

Off. : 334462, 335525
Res. : 255936, 250099
Fax : 0413220393
Pondicherry

No. 105/2001/LAS/LEGN.
Date: 02.08.2001

To

The Joint Secretary,
Lok Sabha Secretariat,
(Ethics Committee Branch),
Parliament House,
New Delhi-110001.

Sub : Comments/views on procedure for dealing with ethics
Related complaints and financial disclosures/declaration
of interests by members.

I am directed to refer to your letter dated 11th July 2001 on the subject mentioned above and to convey the views of Hon'ble Speaker, Legislative Assembly, Pondicherry in the matter in the Annexure enclosed.

I am further to inform that the views now furnished will be treated as 'Confidential' as desired.

Yours faithfully,

Sd/-
(M. SIVAPRAKASAM)
SECRETARY

Encl. As above.

CONSULTATION PAPER

Procedure for complaints

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

Yes

2. Should it be open for any citizen to make such a complaint?

Yes

3. Would it be appropriate to make it mandatory for the complaint to ensure that the complaint is not false, frivolous, vexatious and is made in goodfaith? If so, should an affidavit to this effect accompany the complaint?

Yes

4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

Yes

5. Do you feel that the Committee on Ethics may also be empowered to *sou motu* take up for investigation matters relating to ethics?

Need not be; It will be sufficient the Committee takes up the complaints referred to it.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privileges of the House or a member. Do you agree?

Yes

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Financial disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

Yes

9. If so, should financial disclosure statement be filed every year?

Yes

10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?

Yes

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

Use of any amenities provided to them, as a member, against law.

12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

Yes.



LEGISLATIVE ASSEMBLY SECRETARIAT
SECRETARIAT,
Chennai-600 009.

Letter No. 11469/2001-02, TNLAS (BILLS-III)

Dated : 9.8.2001

From

Thiru C.S. Janakiraman, B.A., B.L.,
Principal Secretary.

To

Joint Secretary,
Lok Sabha Secretariat, (Ethics Committee Branch)
Parliament House,
New Delhi-110 001

Sir,

Sub : Comments/views on procedure for dealing with Ethics related complaints and financial disclosures/declaration of interests by members-details furnishing of. - Regarding.

Ref : 1. Your letter No 1.1.2001/CE, dated 11th July, 2001.
2. This Secretariat letter No. 11469/2001-2, TNLA (Bills-III), dated 17.7.2001.

Kindly refer to your letter cited.

I am directed to furnish the considered comments/views as approved by the Hon'ble Speaker, Tamil Nadu legislative Assembly on the procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by members in the annexure enclosed.

I am to request you to kindly place the same before the Chairman, Committee on Ethics for his perusal.

Your faithfully,

Sd/-
(G. GANAPRAKASAM)
Deputy Secretary
for Principal Secretary

ETHICS COMMITTEE—LOK SABHA

CONSULTATION PAPER

Procedure for Complaints

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics? In order to maintain high traditions in public life, Members of the Legislative Assembly are required to observe certain standard of conduct within and outside the House.
 2. Should it be open for any citizen to make such a complaint? As far as Tamil Nadu Legislative Assembly is concerned, no Committee on Ethics has been constituted to deal with unethical conduct of Members. However matters involving the breach of conduct of Members of the House or of a Committee will be dealt with by the Committee of Privileges constituted under Tamil Nadu Legislative Assembly Rules (Extract of the Rules enclosed).
 3. Would it be appropriate to make it mandatory for the complaint to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?
 4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?
-

-
5. Do you feel that the Committee on Ethics may also be empowered to *sou motu* take up for investigation matters relating to ethics?
 6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?
 7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

No. Members are required to maintain the highest standards of integrity probity and rectitude. Hence, it is due to the mandatory provision than to a resolution passed by the House.

As far as Tamil Nadu Legislative Assembly is concerned, a resolution was passed by the Tamil Nadu Assembly on 27.8.1969 for the disclosure of assets and liabilities of the Members including Presiding Officers and Ministers to the Legislature in the form prescribed.

-
9. If so, should financial disclosure statement be filed every year? Yes. At the end of every financial year Members should disclose their assets and liabilities. But it is not mandatory.
10. Do you agree that a register of members interest on the basis of information furnished by the member should be maintained? Yes.
11. In your opinion what acts constitute unethical conduct of members in financial matters? Members are expected to maintain integrity, accountability, openness and honesty. If any Member has not taken a decision solely in terms of public interest or indulged in any act which resulted financial gain or other material benefit for himself or for his family members directly or indirectly and also want of transparency in any decision or action taken in the public interest will constitute unethical conduct in financial matters.
12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public? These are some of the points raised and discussed from time to time. Kindly give any other suggestions you have in mind. Yes. In Tamil Nadu Legislative Assembly, whenever statement of assets and liabilities of a Member are received the Legislative Assembly Secretariat make out copies of the same and place it on the Table of the House. It has become public as soon as it is laid on the table of the House.
By virtue of the oath taken by members they have a duty to be faithful. They have to uphold the Laws of the Land and act in accordance with the trust placed in them by the people.
-

KARNATAKA LEGISLATIVE COUNCIL
LEGISLATIVE COUNCIL SECRETARIAT
P.B. No. 5079, Vidhana Soudha,
Bangalore-560 001

No. LGC: 1164: EC: 2001
Dated 27.7.2001

From

The Secretary
Karnataka Legislative Council
Vidhana Soudha
Bangalore

To

Shri S.C. Rastogi
Joint Secretary
Lok Sabha Secretariat
(Ethics Committee Branch)
Parliament House
New Delhi-110 001

Sir,

Subject : Views on procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by members.

Ref. : Your letter No. 1.1.2001/CE dated 10th July, 2001.

With reference to the above, I am directed to enclose herewith the views on the above said subject.

Kindly, acknowledge the receipt of the same.

Yours faithfully

Sd/-
(K. JAYASHANKAR MURTHY)
DEPUTY SECRETARY
KARNATAKA LEGISLATIVE COUNCIL

**REPLY TO CONSULTATION PAPER FURNISHED BY
THE COMMITTEE ON ETHICS OF LOK SABHA**

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

Ans. Yes.

2. Should it be open for any citizen to make such a complaint?

Ans. Yes.

3. Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

Ans. Yes.

4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

Ans. Yes.

5. Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

Ans. No.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

Ans. Yes.

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?
- Ans. No. The entire process of enquiry into a complaint should be completed and the Committee must come out with its recommendations within a period of three to six months. However terminal report should be submitted within one year; which is being the term of the Committee.
8. Do you favour mandatory disclosure of income, assets and liabilities by members?
- Ans. Yes. The procedure of filing the assets and liabilities of member of Karnataka Legislature is already in force in Karnataka. As per the Lokayuktha Act every member of Legislature has to file his returns in respect of his Assets and Liabilities to the Lokayuktha every year.
9. If so, should financial disclosure statement be filed every year?
- Ans. Yes.
10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?
- Ans. Yes.
11. In your opinion, what acts constitute unethical conduct of members in financial matters?
- Ans. Broadly speaking, declaration of false statement in respect of Assets & Liabilities by a member and also in respect of Election expenses before the Election Commission at the time of election, constitute unethical conduct.
12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?
- Ans. No. Only the names of the members who do not file their statement should be published in leading newspapers. It is not necessary to lay the same on the table of House.

HARYANA VIDHAN SABHA SECRETARIAT

No. HVS-L A-792001/6428
Dated Chandigarh, the 20 August, 2001

From

Shri Sumit Kumar
Secretary

To

Shri S.C. Rastogi, Joint Secretary,
(Ethics Committee Branch)
Lok Sabha Secretariat,
Parliament House,
New Delhi-110001
Fax No. 011-3010756

**Subject : Comments/views on procedure for dealing with Ethics
related complaints and financial disclosures/declaration
of Interests by members.**

Sir,

With reference to your letter No. 1.1.2001/CE dated the 11th July, 2001 on the subject cited above, I am directed to forward herewith the comments/views of the Hon'ble Speaker, Haryana Vidhan Sabha, as desired.

Encl : As above

Yours faithfully

Sd/-
DEPUTY SECRETARY
FOR SECRETARY

**OPINION/VIEWS OF SPEAKER, HARYANA VIDHAN SABHA
ON THE POINTS RAISED BY THE CHAIRMAN,
COMMITTEE ON ETHICS, LOK SABHA**

| S.Nos. | Points | Observations/Views |
|--------|--|---|
| 1. | 2 | 3 |
| 1. | Do you agree with the suggestion that a complaint relating to unethical conduct a Member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics? | Yes, This Secretariat agrees with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha/ Assembly/Chairman, Rajya Sabha/State Leg. Council who may refer it to the Committee on Ethics for examination and report. |
| 2. | Should it be open for any citizen to make such a complaint? | No. It should not be open for an ordinary citizen to make such a complaint, otherwise there will be a number of false complaints against the members to harass them on frivolous grounds. Only a member of the House should be empowered to make complaints. |
| 3. | Would it be appropriate to make it mandatory for the complaint to ensure that the complainant is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint? | Yes, It would be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith. An affidavit to this effect must be annexed with the complaint duly signed and verified. |

| 1. | 2 | 3 |
|----|---|---|
| 4. | Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report? | Yes, the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report, with the consent of Speaker of Lok Sabha/Assembly/Chairman of Rajya Sabha/State Legislative Council. |
| 5. | Do you feel that the Committee on Ethics may also be empowered to <i>suo-motu</i> take up for investigation matters relating in Ethics? | No, If the Committee on Ethics is empowered to <i>suo-motu</i> take up for investigations matters relating to ethics then it will not be fair to meet of justice being complainant and investigating authority both which may arrive at an influenced decision without any affidavit of the complainant using its powers arbitrarily. |
| 6. | The Committee, may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree? | Answer to the point is in positive. The Committee may evolve its procedure consistent with the principles of natural justice for purpose of examining complaints of unethical conduct of members and which as far as possible be the same for determination of any question as to breach of privilege of the House or a member. So far as the procedural matters are concerned, wherever necessary, in the examination of witnesses the Committee |

-
- | | | |
|-----|---|---|
| 1. | | should be guided by the Principles of ordinary law of the land such as the Civil Procedure Code, the Criminal Procedure Code and the Law of Evidence etc., and the principles of natural justice. |
| 7. | Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee? | The time limit of three months to complete an enquiry is not sufficient. The time limit to complete an enquiry into complaint should ordinarily not exceed six months by the Ethics Committee. However, on reasonable cause it may be extended with the approval of the Speaker upto six months more. |
| 8. | Do you favour mandatory disclosure of income, assets and liabilities by members? | It is not desirable to make it mandatory. |
| 9. | If so, should financial disclosure statement be filed every year? | Not necessary. |
| 10. | Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained? | Not necessary. |
| 11. | In your opinion, what acts constitute unethical conduct of members in financial matters? | As to be decided by the Committee. |
| 12. | Should the financial disclosure statement and declaration of interest that might be required of a member be laid on the Table of the House and thereby made public? | No. |
-

SONIA GANDHI
LEADER OF OPPOSITION
(LOK SABHA)



44, Parliament House
New Delhi-110001
Phone : 3016705, 3034285
Fax : 3017470

D.O. No. 341/LOP/LS/2001
May 24, 2001

Dear Shri Chandra Shekhar,

Thank you for your letter No. 1/1/2001/CE of 3 April, 2001 regarding the deliberations of the Committee on Ethics. I have already gone through the first report of the Committee and subsequently conveyed my agreement with the following broad recommendations made by it:

- That the Ethics Committee should examine all matters of unethical conduct referred to it and also those taken up by it *suo moto*.
- That the procedure for examination shall essentially be the same as the procedure laid down for breach of privilege.
- That it may be made mandatory for each member to disclose his/her income, assets and liabilities.
- That a register of the area of interest of each member should be maintained in the Parliament Secretariat.
- That rules may be framed laying down the acts of omission and commission which will constitute unethical conduct.

I also agree with the suggestion of having a Code of Conduct prepared by the Parliamentarians for themselves.

I am sure that your Committee will be able to work out further details under your able guidance under each of these broad areas and present a comprehensive report to Parliament in the near future.

With kind regards.

Shri Chandra Shekhar, M.P.
Chairman,
Committee on Ethics,
146, Parliament House,
New Delhi-110001

Your sincerely,

Sd/-
(SONIA GANDHI)



राष्ट्रीय जनता दल
लालू प्रसाद
राष्ट्रीय अध्यक्ष
102, साऊथ एवेन्यु, नई दिल्ली-110001
फोन : 3010036
फैक्स : 011-3010037

दिनांक 3.5.2001

Respected Chandra Shekhar jee,

Please refer to your letter No. 1/1/2001/CE dated 16 April, 2001 on constitution of Committee on Ethics by the Lok Sabha Speaker to oversee the moral and ethical conduct of members.

I am glad you have been made the Chairman of this Committee and have been kind enough to solicit the views of leaders of political parties as well as the Presiding Officers of State legislatures on the crucial issue of formulation of a code of conduct which, if implemented, will have far-reaching consequences on the functioning of elected representatives.

I also welcome your committee's present endeavour to formulate its views on three vital issues, viz. (a) Procedure for dealing with ethics related complaints, (b) financial disclosures declaration of interest of members and (c) code of conduct. I also share your perception that this exercise of your committee will have relevance to State legislatures and their members too and hence its importance perceived in that light.

As you may be aware the Rules of Procedure and Conduct of Business in Parliament as framed under the Article 118 (1) of the Constitution stipulates many provisions which relate to the conduct of member inside the House. Similar Rules framed by different State legislatures under the Article 208 (1) of the Constitution stipulates many provisions on conduct of members of these Houses.

कैम्प कार्यालय : 2, वीरचंद पटेल पथ, पटना-800001, फोन/फैक्स: (0612) 211830

Constitution of a special committee on ethics, therefore, is of special significance. Need has perhaps been felt of more stringent on specific measures to deal with matters which, of late, have become frequent in our day to day public life. Parliamentary system, like any other dynamic and vibrant system, requires constant review and modification in the light of experiences gained and, to that extent, I welcome this exercise of yours and your committee.

But before coming to spelling out suggestions on specific points in your questionnaire, I would like to draw your attention towards increased incidents of paper trials of public representatives by host of bodies like press, electronic media, judiciary and Bureaucracy. Politicians are becoming the common target of these bodies and an impression is being created by them as if public figures are responsible for all the ills plaguing the nation. Interestingly, in most of these cases, the complainant and prosecutor often become the same set of people drawn from these bodies.

Elected members of Parliament and State legislatures, who are at the centre of these attacks leading to worst kind of character assassination, find themselves in a very helpless condition because verdict against them is publicly pronounced even before trial. In majority of these cases of calumny, the victim M.Ps and legislators are found innocent at the end of judicial trial but damage to their reputation had by then been done publicly through media reports. They do not get any relief even after being pronounced innocent.

As you are aware the number of these elected representatives is very insignificant; about 750 in Parliament and around 4000 in State legislatures and they do not have a common platform to depend themselves collectively at times of attacks. The Government in power also do not come to their help as they tend to remain disinterested due to various political reasons. So the onus to fight all these attacks on their character comes on the individual members themselves.

It is true the Indian Penal Code contains provisions for filing of defamation cases but trial under them are so lengthy that before one gets relief he is already punished in the public eye through constant character assassination by the media which are invariably owned in this country either by the Government or by the big business houses.

Hence I would like your Committee to ponder over this aspect of M.Ps'/legislators' life also and find out remedial measures for calumnious attacks on them. I would like the recommendations of this Committee on these matters get the legal sanction so that public life could be pursued more independently and fearlessly.

Now coming to suggestions on the specific points in your questionnaire :

1. We agree to the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker who may refer it to the Committee on Ethics.
2. Let it be open for any citizen to make such a complaint.
3. It should be made mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith. An affidavit to this effect should accompany the complaint.
4. House may also refer complaints relating to unethical conduct of members to the Committee on Ethics for examination and report.
5. Let the Committee on Ethics get the power to *suo motu* take up for investigation matters relating to ethics.
6. We agree to this suggestion of Committee evolving its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members.
7. A time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee.
8. Disclosure of income, assets and liabilities is already being done by the members of council of ministers. I do not find any harm if the same practice is extended to M.Ps/Legislators also.

But I would like to draw your attention to other laws also. Income Tax Act is there and its net has been widened extensively. Filing of returns is mandatory there also and with its new provisions even the ex-M.Ps. and ex-legislators now fall under it.

The trouble with the IT is that it has of late been allowed to be used for political and other purposes also. Its vast network has been used by the Government in power and, at times, by the judiciary and Bureaucracy to settle score with their opponents. If its sanctity is not unduly impaired, the IT provisions could also suffice in achieving the goal your suggestion is hinting at.

9. No harm if M.Ps/legislators are asked to file financial statement every year.
10. If possible let this suggested register of members interest be maintained.
11. I would suggest going by the practice of the House of Commons in respect of this question of what actions constitute unethical conduct of members in financial matters.
12. I do not see any reason that the financial disclosure statement and declaration by members are laid on the Table of the House and thereby made public.

Before concluding it, I will once again like to welcome the effort of the Lok Sabha Speaker and your Committee in bringing about moral and ethical values among the elected representatives. And at the same time, I will once again request you to give thoughts to the other side of ethics as explained by me in earlier paragraphs and devise ways to save elected representatives from under and baseless slanderous attacks at the hands of media, judiciary, bureaucracy and like bodies.

With regards,

Yours sincerely,

Sd/-
(LALU PRASAD)
3.5.2001

Shri Chandra Shekhar, M.P.
Chairman, Committee on Ethics,
Lok Sabha, New Delhi.



राम विलास पासवान
RAM VILAS PASWAN
संचार मंत्री
भारत

Minister for Communications India

सं...../सं.मं./वी.वी.आई.पी./2001
No. 3034/MOC/VVIP/2001
14 May 2001

Respected Shri Chandra Shekhar ji,

Kindly refer to your D.O. letter No. 1.1.2001/CE dated 3.4.2001 regarding formulation of procedure for ethics related complaints etc.

In this connection, I wish to inform you that my views on the subject were conveyed by my office to Shri S.C. Rastogi, Joint Secretary, Lok Sabha Secretariat (Ethics Committee Branch) *vide* letter dated 14.3.2001. A copy of the same is, however, enclosed for favour of your kind information.

With regards,

Yours sincerely,

Sd/-
(RAM VILAS PASWAN)

Shri Chandra Shekhar
Member of Parliament (Lok Sabha) &
Chairman, Committee on Ethics,
146, Parliament House,
New Delhi-110001.

Encls: as above.

**FORMULATION OF PROCEDURE REGARDING
ETHICS RELATED COMPLAINTS AND NEED FOR
DECLARATION OF INTEREST BY MEMBERS**

| Issue | Suggestion |
|--|---|
| 1 | 2 |
| <p>1. How would you define "Moral and ethical conduct" of Members of Parliament and what in your view should be the areas that should be brought under the term?</p> | <p>Member of Parliament by virtue of their position and stature should uphold highest standards of moral and ethical conduct. They are the 'Conscience Keepers' of the nation. Any conduct by them which compromises public interest, and earns them undeserving and unjustified pecuniary benefits, directly or indirectly should be treated as immoral and unethical.</p> |
| <p>2. Do you have anything to suggest in regard to the contents of the Code of Conduct for members?</p> | <p>Members should exercise utmost discretion in making recommendations that will give a person or organization advantage beyond the stipulated rules and regulations. They should take up only such cases which pertain to persons belonging to Scheduled Castes/ Scheduled Tribes communities, and other weaker sections who are subjected to discrimination and denied justice. Their conduct in personal and public life should be an example to the common man.</p> |

| 1 | 2 |
|--|--|
| 3. Should not scrutiny of members' conduct be confined to his acts in public life? | Generally, scrutiny of members' conduct should be confined to his conduct to public life only. |
| 4. Do you favour mandatory annual disclosure of income, assets and liabilities by members of Lok Sabha? If so, should financial disclosure statement filed by members be made public by laying it on the Table of the House? | As Members of Parliament are considered to be the custodians of highest propriety in public life, they should keep their monetary and material acquisitions beyond any suspicion. I favour the disclosure of their personal financial interests as is the practice in UK House of Commons. |
| 5. Do you feel that members should also be required to register their pecuniary interest and indicate any alterations as and when occur. | I would favour that they should disclose their personal financial interests and indicate any changes as and when made. |
| 6. What, acts should constitute unethical conduct of members in financial matters? | Non-payment of taxes, making unreasonable recommendations on any matter especially where financial transactions are involved and setting aside normal channels of rules and regulations to protect vested interests should constitute unethical conduct. |
| 7. What, according to you, should be the procedure for complaints regarding unethical conduct of a member? | Under the Ethics Committee, a Core Committee should initially scan the complaints to weed out unsubstantiated, unwarranted, vested and malicious complaints. Thereafter, on the basis of Core Committee's report, the complaints should further be investigated by the Ethics Committee. |

8. What mechanism or methods would you suggest to avoid frivolous or false complaints?
- The Ethics Committee should not accept complaints unless they are proposed and seconded by two hon'ble citizens of the land. The complaints should be supported by an affidavit duly authenticated by an Oath Commissioner or Gazetted Officer of the Central/State Government.
9. Do you think that any time limit be prescribed for completion of enquiry regarding unethical conduct of a member by the Ethics Committee of Lok Sabha?
- The ideal time frame for disposal of complaints received by the Ethics Committee, could be 3-5 months.
10. Any other suggestion you may like to place before the Committee on the above matters?
- To be a Member of Parliament is a privilege and such privilege is restricted to serve the best interests of the people to large. Therefore, any system that transparently and reasonably scrutinizes the conduct and action of the members, would be a step in the right direction. At the same time, we need to educate our people about the type of things for which public representatives should be approached as, in our country, the awareness level of common people is not that high as it is in the developed countries. The people approach public representatives for redressal of every type of their problems/grievances. A definite action plan need to be prepared and awareness campaign launched to educate the masses in this regard.
- (Ram Vilas Paswan)
Minister for Communications



BIJU JANATA DAL PARLIAMENTARY PARTY
ARJUN CHARAN SETHI, M.P.
LEADER

Off : Room No. 144, 3rd Floor,
Parliament House, New Delhi-110 001
Phone : 3034707 (Off.) 3782106 (Res.)

Esteemed Chandra Shekhar ji,

Kindly refer to your letter of 3rd April, 2001 regarding consultation paper on Ethics Committee. I am sending herewith the consultation paper with my responses. The responses reflect the views of my party and there is no need for expressing them personally before the Committee.

With kind regards,

Your sincerely,

Sd/-
(ARJUN CHARAN SETHI)

Shri Chandra Shekhar,
Chairman Committee on Ethics.

Residence : 21, Canning Lane, New Delhi-110 001 Phone : 3782106
Vill & P.O. Odang *via* Randiahat, Distt. Bhadrak (Orissa)
Phone : 06784-61642

LOK SABHA SECRETARIAT
(Ethics Committee Branch)

CONSULTATION PAPER

Procedure for Complaints

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

Yes.

2. Should it be open for any citizen to make such a complaint?

Yes.

3. Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

Please See annexure.

4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

Yes.

5. Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?

No.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

Yes.

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Yes.

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

Yes.

9. If so, should financial disclosure statement be filed every year?

Yes.

10. Do you agree that a register of members interest on the basis of information furnished by the member should be maintained?

Yes.

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

Please see annexure.

12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

Yes.

These are some of the points raised and discussed from time to time. Kindly give any other suggestions you have in mind.

ANNEXURE

Point No. 3

Asking for an affidavit may discourage many a genuine complainants to lodge complaint. Even without an affidavit, the complainant can not abdicate his/her responsibility as regards the veracity and authenticity of the complainant.

Point No. 11

Amassing of wealth and income beyond known sources of income by misuse of official position may constitute unethical conduct of Members in financial matters. Broadly we may also include acceptance of costly gifts, hospitality, Sponsorship of overseas visits etc. as unethical conduct of Members on financial matters.



CHANDRA VIJAY SINGH
MEMBER OF PARLIAMENT
MORADABAD

ABLTC Party in Lok Sabha
Standing Committee on External Affairs
& Communications

Sahaspur-Bilari House, Civil Lines,
Moradabad-244001

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Date : 24.7.2001

माननीय श्री चन्द्र शेखर जी,
पूर्व प्रधानमंत्री व सांसद,
अध्यक्ष,
एथिक्स कमेटी, (आचार)
कमरा नं. 146, पार्लियामेंट हाऊस,
नई दिल्ली।

मान्यवर,

आपका दिनांक 3 अप्रैल, 2001 का पत्र प्राप्त हुआ, धन्यवाद जो सुझाव मांगे हैं वह निम्नलिखित हैं:-

1. किसी सदस्य के व्यवहार के बाबत आरोप माननीय अध्यक्ष, लोक सभा को भेजना उचित रहेगा।
2. यदि आम नागरिकों को ऐसे आरोप-पत्र भेजने का अधिकार दिया जाए तो लोक सभा सचिवालय अधिकांश समय सांसदों के विरोधियों द्वारा भेजे गए आरोप-पत्रों पर अपना कीमती समय नष्ट करेंगे।
3. जी हां, यह अनिवार्य है जो आरोप भेजें, साथ में ब्यान हल्फी भी दें।
4. जी हां, सदन आपकी कमेटी को उक्त आरोप-पत्र भेजे, उचित रहेगा।
5. नहीं।
6. जी हां।
7. जी हां, समय निर्धारित होना चाहिए।

8. जी हां।
9. यह आयकर विभाग का स्टेटमेंट यदि दर्ज हो व जो सदस्य आयकर नहीं देते उनके वार्षिक आय का ब्यौरा लेना चाहिए।
10. जी हां।
11. विदेश यात्रा, यदि कोई अन्य धन उपलब्ध करा रहा हो, सदस्य बनने के पश्चात् यदि कोई उद्योगपति किसी सदस्य को अपनी संस्था में निदेशक आदि बनाए—इस सब पर प्रतिबन्ध लगना चाहिए।
12. जी हां, सदन के पटल पर व आम जनता को यदि सदस्यों के आर्थिक ब्यौरा की सूची उपलब्ध हो तो संभव है कि कुछ हद तक जो राजनीति को व्यवसाय बनाए हुए सदस्यगण हैं, उन पर अंकुश लग सकता है।

भवदीय,

हस्ता/-
(चन्द्र विजय सिंह)

DEVENDRA PRASAD YADAV
M.P. (LOK SABHA)
CHAIRMAN
Standing Committee on
Food, Civil Supplies &
Public Distribution



115-A,
Parliament House Annexe,
New Delhi-110001
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New Delhi-110001
Phones : 3319077, 3351012

26th July, 2001

Dear Shri Rastogi,

With reference to your letter No. 1.1.2001/CE dated 11th July, 2001, regarding comments/views on procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by Members, I want to bring to your kind notice that I have already forwarded my comments on this subject on 5th January, 2001, in reply to your dated 29th December, 2000.

Photo-copy of the earlier reply is enclosed herewith for ready reference please.

With regards,

Your sincerely,

Sd/-
(DEVENDRA PRASAD YADAV)

Shri S.C. Rastogi,
Joint Secretary,
Lok Sabha Secretariat,
New Delhi.

DEVENDRA PRASAD YADAV
M.P. (Lok Sabha)
CHAIRMAN
Standing Committee on
Food, Civil Supplies &
Public Distribution



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5th January, 2001

Dear Shri Rastogi,

With reference to your letter No. 8/3/2000/CE dated 29th December, 2000, in which views of the Leaders of Parties/Groups in Lok Sabha have been invited regarding formulation of procedure for making ethics related complaints and need for Financial Disclosures/Declaration of Interests by Members, I offer my comments/suggestions, as under for the consideration of the Committee on Ethics:—

- (1) Dignity of the House should always be maintained and as the representatives of the Nation, Members should adhere to the Rules and maintain the decorum. Outside the House also, being the custodians of the interests of people, particularly of the Constituency they represent, their moral responsibility lies in exercising the powers and utilizing the resources for helping the poor and illiterate, sick and needy people.
- (2) Regarding the disclosure of financial assets and liabilities, I fully favour the declaration of the financial assets at the time of taking oath. Any additions/changes may also be declared in the House. Once laid on the Table of the House, these documents will automatically be made public.

- (3) Members are the representatives of the people. Their conduct is best judged by the common man. A complaint regarding the unethical conduct may be made to the competent authority who can examine the same.

Thanking you,

Yours sincerely,

Sd/-
(Devendra Prasad Yadav)

Shri S.C. Rastogi,
Joint Secretary,
Lok Sabha Secretariat,
New Delhi.

DR. SUSHIL INDORA,
M.B.B.S.
MEMBER OF PARLIAMENT
(Lok Sabha) Sirsa
(Haryana)
Chairman
Committee on
Labour & Welfare
Leader, INLD in Lok Sabha



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Fatehabad-125050 (Haryana)
Tel. : (01667) 22526, 23320

25.07.2001

Dear Shri Rastogi,

This is with reference to your letter No. 1/1/2001/CE dated 11th July, 2001 regarding comments/views on procedure for dealing with ethics related complaints and financial disclosures/declaration of interests by Members.

I am, therefore, forwarding herewith the suggestions/views of my party (Indian National Lok Dal) on the questionnaire contained in the Consultation Paper for the kind consideration of the Ethics Committee.

Yours sincerely,

Sd/-
(DR. SUSHIL INDORA)

Shri S.C. Rastogi,
Joint Secretary,
Lok Sabha Secretariat,
New Delhi.

CONSULTATION PAPER

Answers for Questionnaire

Q.1 Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

A.1 The complaint relating to unethical conduct of Member of Parliament both inside the House as well as outside should be addressed to the Speaker, Lok Sabha or Chairman, Rajya Sabha, as the case may be.

Since the ethical matters tend to extend beyond Parliamentary confines, it should be investigated first by some investigating authority, to be appointed under the authority of the House, on the pattern of House of Commons, U.K. like U.K., the said authority whether known by the name of the Parliamentary Commissioner or by any other name, should be appointed by the House and should be charged with the responsibilities of making preliminary investigation into the complaints against Members and report to the Speaker or the Chairman, as the case may be. The Speaker or the Chairman may, if he thinks fit, refer the matter to the Committee on Ethics for examination and report.

Q.2 Should it be open for any citizen to make such a complaint?

A.2 Yes, as the Members of Parliament are required to observe certain standard of conduct inside the House as well as outside, it should be open for any citizen to make such a complaint.

Q.3 Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

A.3 It should be incumbent upon the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith. An affidavit to this effect shall accompany the complaint.

- Q.4** Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?
- A.4** Yes, the House may also refer on a motion complaints relating to unethical conduct of Members direct to the Ethics Committee in which case Parliamentary Commissioner for standards in public life shall assist the Committee in investigating complaints.
- Q.5** Do you feel that the Committee on Ethics may also be empowered to *suo motu* take up for investigation matters relating to ethics?
- A.5** No, there should be only two methods of referring the complaints to the Committees. One, by the Speaker who after receiving an investigation report from the Parliamentary Commissioner of standards in public life, if he thinks fit, refer the matter to the Committee on Ethics for examination and report. The other method of referring a complaint to Ethics Committee is, on a Motion to be adopted to that effect by the respective Houses.
- Q.6** The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?
- A.6** The procedure should be consistent with the principle of natural justice and as far as possible should be laid down in the Rules or Directions by the Speaker so as to leave no scope for any ambiguity.
- Q.7** Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?
- A.7** Yes, the time limit not exceeding three months should be laid down for examination and reports by the Ethics Committee. Speaker or the House as the case may be, may, however, extend the date of presentation of the report by the Committee keeping in view the fact that the natural justice is not denied for want of time.

Q.8 Do you favour mandatory disclosure of income, assets and liabilities by members?

A.8 Yes.

Q.9 If so, should financial disclosure statement be filed every year?

A.9 Revised Financial Statement should be filed every year which shall remain under the custody of Speaker or Chairman, Rajya Sabha.

Q.10 Do you agree that a register of member's interest on the basis of information furnished by the member should be maintained?

A.10 Not necessary.

Q.11 In your opinion, what acts constitute unethical conduct of members in financial matters?

A.11 The Parliamentarians/Legislators are expected to maintain and uphold the highest traditions in Parliamentary life. They are required not only to observe certain standards of conduct but also to exhibit and display honesty while performing their Parliamentary duties both inside and outside the House. Obtaining or attempt to obtain any financial benefit illegally or which under the existing law, Rules, Regulations, Orders is not permissible, shall constitute unethical conduct of the Member in financial matters.

Q.12 Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

A.12 Financial disclosure statement and declaration of interest should not be laid on the Table of the House and made public as Hon'ble Members will be subjected to avoidable controversy both in media and public. Therefore, it has to be maintained by the respective Secretariats and its confidentiality should be maintained. It can, however, be presented before the Court of Law or the Election Commission under the authority of the House, on demand.

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30th July, 2001

To

Shri S.C. Rastogi
Joint Secretary
Ethics Committee Branch
Lok Sabha Secretariat
Parliament House
New Delhi-110001

Sir,

Sub. : Comments/views on procedure for dealing with ethics related complaints and financial disclosures/declaration of interest by members-Submission of views-Regarding.

Ref. : (i) Letter of Shri Chandra Shekhar, M.P., Chairman, Committee on Ethics, No. 1/1/2001/CE, dt. 03.04.2001.

(ii) Your letter No. 1/1/2001/CE, dt. 11.07.2001.

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This has reference to the letter and subject cited above. As requested by you, I am sending herewith my comments/views—Question wise in the sheets enclosed herewith. I hope it would suffice the purpose of the Committee on Ethics.

Kindly acknowledge the receipt of this communication.

Yours sincerely,

Sd/-
(DR. S RAMADOSS)

LOK SABHA SECRETARIAT
(Ethics Committee Branch)

CONSULTATION PAPER

VIEWS OF DR. S. RAMADOSS, FOUNDER
PRESIDENT PATTALI MAKKAL KATCHI

1. Do you agree with the suggestion that a complaint relating to unethical conduct of a member be addressed to the Speaker, Lok Sabha who may refer it to the Committee on Ethics?

Addressing the complaint to the Speaker who will ultimately refer it to the Committee on Ethics, would be circuitous and involve delay in processing the complaints. Hence the complaints on ethical conduct of the member may be addressed directly to the Chairman of the Committee on Ethics with a copy marked to the Speaker for favour of information.

2. Would it be open for any citizen to make such a complaint?

Normally, a citizen who is influenced or affected by the unethical conduct of a member can prefer a complaint so that the complainant may be meted out with Justice. However, to ensure the wholesome influence on the member and to provide an opportunity to arrest the fast vanishing moral fabric of the country, it should be open for any citizen, who is affected or unaffected but have a knowledge of unethical conduct, to make such a complaint.

3. Would it be appropriate to make it mandatory for the complainant to ensure that the complaint is not false, frivolous, vexatious and is made in good faith? If so, should an affidavit to this effect accompany the complaint?

Freedom to register a complaint should not degenerate into licensing and lead to which hunting and mudslinging and character assassinating a member. Any complaint of frivolous nature should not be entertained. A complaint should have a *prima facie* and should be made in good faith and is primarily intended to correct an unethically erring member. Complaint should not be made on the grounds of jealousy and ill-will against a member. Therefore, to avoid all baseless allegations the complaint should be called upon to file an affidavit along with a complaint as in the Court.

4. Do you agree that the House may also refer complaints relating to unethical conduct of members, to the Committee on Ethics for examination and report?

Yes, I agree.

5. Do you feel that the Committee on Ethics may also be empowered to *suo-moto* take up for investigation matters relating to ethics?

When every citizen of India is allowed to make a complaint on unethical conduct of a member, the Committee on Ethics may also be empowered to *suo-moto* take up for investigation matters relating to ethics, if they came to the notice of the Committee.

6. The Committee may evolve its own procedure consistent with the principles of natural justice for the purpose of examining complaints of unethical conduct of members and which may as far as possible be the same as the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. Do you agree?

Yes, I agree. When the Committee on Ethics is autonomous in character, it should have the power to evolve its own procedure consistent with the principle of natural justice. Since a complaint is aimed at the member, it should not be considered as breach of privilege and hence the procedures dealing with such breach should not be applied in this case. The Judicial procedures applied in dealing with complaints may be more appropriate than the procedure for enquiry and determination of any question as to breach of privilege of the House or a member. However, the Committee on Ethics may have the full options as to the procedure in such case.

7. Should any time limit not exceeding three months be laid down within which the enquiry into a complaint be completed by the Ethics Committee?

Yes, a time limit, not exceeding three months, be laid down within which the enquiry into the complaint be applied by the Committee on Ethics.

Financial Disclosures/Declaration of Interests

8. Do you favour mandatory disclosure of income, assets and liabilities by members?

Yes.

9. If so, should financial disclosure statement be filed every year?

Yes.

10. Do you agree that a register of members' interest on the basis of information furnished by the member should be maintained?

Not at this stage.

11. In your opinion, what acts constitute unethical conduct of members in financial matters?

In my opinion, the following acts constitute unethical conduct of members in financial matters:

- a. Holding an office of profit overtly or covertly or through proxies or benamies.
- b. Accumulation of wealth or income disproportionate to known sources of income.
- c. Furthering the business interest of a member or his family or his relatives or his friends.
- d. Abetting the furtherance of business interest of anyone for illegal gratification.
- e. Non-disclosure or declaration of sources of income and wealth and the annual income generated thereon from time to time.
- f. Under valuation and over valuation of properties through fraudulent practice to circumvent the tax or other laws of the land.
- g. Non-payment of tax or other dues to the Government in time.

- h. Lavish and luminous spending on marriages, Birthdays and other ceremonies.
- i. Conspicuous consumption and vulgar display of consumerism by the member in his private life.
- j. Spending in elections beyond the expenditure limit prescribed by the Election Commission.
- k. Receiving or offering bribe in cash or kind of gifts.
- l. Generation of black money and indulging in black marketing and smuggling.
- m. Holding cash or other liquid assets in foreign banks or institutions.
- n. Any other conduct leading to illegal gratification and financial activities.

12. Should the financial disclosure statement and declaration of interests that might be required of a member be laid on the Table of the House and thereby made public?

Not at this point of time. May be considered in course of time.

13. Kindly give any other suggestions you have in mind?

At a time when the moral values in public life are fast eroding and the people are steadily losing faith in elected representatives, attempts of the Committee on Ethics to initiate some measures of correction deserve appreciation. Although these attempts are highly valuable, we should also recognise the fact that individual representatives of the people, political parties and the Government will have to play active role in promoting ethical behaviour in public life. Therefore, I propose three pronged measures:

- 1. At the individual level.
- 2. At the level of Political Parties.
- 3. At the Government level.

1. *At the Individual level :*

1. Elected representative should behave in conformity to standards and rules of right conduct. India will emerge as a powerful nation only when the people at the helm of affairs become morally strong. They should be honest, straight forward, open, virtuous and exhibit honourable behaviour in the society. In all their dealings, they should aim to improve the quality of life of the people of India which in essence is the aim of politics. High ideologies won't suffice; they should be translated into action for the greatest happiness of the greatest number. Qualities of hypocrisy, opportunism, favouritism and personal gratification should become things of the past. The exemplary character exhibited by politicians could have a total and wholesome impact on the entire moral fabric of the country.

2. *At the level of political parties :*

In the democratic polity of India political parties should realise that morality and politics are highly compatible. The political parties should give attention to the following aspects which may help to tone up the behaviour of their members.

1. Political parties should themselves evolve a code of conduct or a set of norms for their members and strictly enforce them.
2. Political parties should select man of calibre, character, honesty and integrity as candidates for various public bodies. Men of doubtful character, criminal records, financial improprieties and shabby dealings should not be offered seats in elections.
3. They should take positive measures to spread moral education to their members during their political career.
4. Political parties should closely observe the ethical conduct of its members and initiate corrective measures then and there.
5. Each political party should constitute an Ethics Committee which would monitor and evaluate the ethical behaviour of its members periodically.

6. Political parties should organize periodically seminars, workshops, conferences, refresher courses to their members on various issues of public importance including the moral responsibilities and duties of the members.
 7. There should be periodical evaluation of the work done by the members of Parliament and Legislature by the respected political parties and take appropriate measures to improve their performance. It may be worthwhile to mention here that the PMK has recently initiated such an exercise of an evaluation.
 8. The political parties should have the power to recall its members, whose behaviours tend to become unethical.
3. *At the Governmental Level:*
1. The concept of trusteeship especially on the part of holders of public offices as enunciated by Supreme Court of India should be given a serious consideration by the Government. The member of Parliament or Legislature should be treated as a public servant. He holds public property as a trustee and he has to pay for the breach of trust.
 2. Electoral reforms on which there is a general consensus among the political parties should be implemented without further delay.
 3. To avoid money power in election, state funding of election should necessarily be given a fair trial.
 4. Criminalisation of politics must end and for this purpose persons with criminal records should be made ineligible to contest election.
 5. The Supreme Court may be requested to rule that once the criminal case against a politician is admitted he or she will not be eligible to the privileges of holding public office or contest election till declared innocent beyond doubt. Cases against politicians must be expeditiously tried and justice is meted out.

6. An amendment to the election law requiring the defecting MP and MLA to seek a fresh mandate from his or her constituency may be introduced.
7. The Lok Pal Bill should be given a fair trial which may have a deterrent effect on the members.
8. The investigating agencies such as Central Bureau of Investigation, should be delinked from the Governmental Control and they should be conferred autonomous status so that the politician facing criminal cases can be investigated without fear or favour.
9. The Ethics Committee of the Parliament should not only investigate into the complaints of unethical behaviour but it should also suggest appropriate corrective or penal action against the erring members.
10. To tone up the moral level of the entire society, the Government may consider setting up of a Moral and Ethical Commission as in the Great Britain.

| Page | Para | Line | For | Read |
|-------------|-------------|---------------|----------------|--------------|
| 1 | 4 | 3 | Committee | Committees |
| 1 | 4 | 4 | Legislature | Legislatures |
| 1 | 6 | 6 | Committee | Committees |
| 1 | 6 | 6 | Life | Life, |
| 2 | 11 | 2 | their | the |
| 5 | 19(v) | 1 | Thirteenth | Thirteen |
| 5 | 19 | 16(from to p) | Secretariat | Secretariats |
| 7 | 24 | 2 | abide | abide by |
| 7 | 24(v) | 2 | Part IV | Part IVA |
| 8 | 27(i)(a) | 2 | connect | connected |
| 9 | 28 | 4 | Directions and | Directions |