

COMMITTEE ON ETHICS

(THIRTEENTH LOK SABHA)

SECOND REPORT

(Presented to the House on 20 November, 2002)



LOK SABHA SECRETARIAT
NEW DELHI

November, 2002/Kartika, 1924 (Saka)

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(THIRTEENTH LOK SABHA)

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

Shri Chandra Shekar — *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 Pawaiay
8. Shri Sharad Pawar
9. Shri N. Janardhana Reddy
10. Shri V. M. Sudheeran
11. Shri Prakash Mani Tripathi
12. Shri Vaiko
13. Dr. Sahib Singh Verma
14. Shri Akhilesh Yadav
15. Shri K. Yerrannaaidu

SECRETARIAT

- | | |
|----------------------------|-----------------------------|
| 1. Shri S. C. Rastogi | — <i>Joint Secretary</i> |
| 2. Shri V. K. Sharma | — <i>Director</i> |
| 3. Shri Ravindra Garimella | — <i>Assistant Director</i> |
| 4. Shri Ashok Singh Sajwan | — <i>Assistant Director</i> |

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

**SECOND REPORT OF THE COMMITTEE ON ETHICS
(THIRTEENTH LOK SABHA)**

I. INTRODUCTION

1. I, the Chairman of the Committee on Ethics, having been authorised by the Committee to submit the Report on their behalf, present this their Second Report to the House on the issue of 'Further course of action to be taken on the recommendations made by the Committee on Ethics in their First Report and on other ethics related matters'.

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

3. At their first sitting held on 26 September, 2002 the Committee considered the issue regarding action to be taken on the recommendations made by the Committee in their First Report. The Committee decided to appoint a sub-Committee of the Committee to deliberate on the matter and report to the Committee.

A sub-Committee of the Committee on Ethics was, accordingly, constituted with Shri N. Janardhana Reddy as its Chairman and Sarvashri Pawan Kumar Bansal, Raghuvir Singh Kaushal, Jaibhan Singh Pawaiya and V.M. Sudheeran as members.

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

5. At its sitting held on 11 October, 2002 the sub-Committee considered the draft paper on 'Future course of action of the Committee on ethics for consideration of the sub-Committee' presented by Shri V.M. Sudheeran, member of the sub-Committee.

Shri Sudheeran in his paper broadly put forth the following proposals:

- "(i) Immediate steps should be taken on the recommendations made in the First Report of the Committee on Ethics regarding procedure for making ethics complaints and financial disclosures and declaration of interests by members. Steps should also be taken to incorporate the above recommendation in the Rules of Procedure and Conduct of Business in Lok Sabha.

Rules should also be framed regarding composition of the Committee on Ethics and its functions etc.

- (ii) Steps should be taken by Lok Sabha for implementation of Code of Conduct for Legislators appended to the Resolution which was unanimously adopted at the Conference of Presiding Officers, Chief Ministers, Leaders etc. on 25.11.2001.

Rules should be framed with regard to stipulations in the Code which are not based on the Rules of Procedure and Conduct of Business in Lok Sabha and Directions by the Speaker but merely based on conventions.

- (iii) Concerted efforts should be made to ingrain amongst the legislators the basic values of ethics. The time has now come for soul searching by legislators themselves and introspection. The culture of ethics has to be evolved and the sense of discipline and responsibility should come from within.
- (iv) A seminar on "An analysis on the present day functioning of Parliament—An Introspection" should be held in the first week of December, 2002 (during the winter session) which may be attended by Leaders, Deputy Leaders of Legislature parties, its Secretaries and Chief Whips/Whips, Presidents of political parties, Chairman and members of Committee on Ethics, Lok Sabha, Chairman, Committee of Privileges, Lok Sabha, Chairman, Committee on Ethics, Rajya Sabha and Secretary-General, Lok Sabha and former Secretaries-General of Lok Sabha.

This seminar may be followed up by a series of four/five seminars of a batch of 150 members during the Budget Session.

An interactive session may also be organized of sitting members of Parliament and former parliamentarians with some social activities, representatives of press/media and eminent personalities from judiciary.

Finally, as the media plays a key role, an interaction with representatives of media like editors and senior journalists of the press and print media may be arranged."

6. At its sitting held on 22 October, 2002 the sub-Committee considered its Draft Report and adopted it.

7. At their second sitting held on 30 October, 2002 the Committee considered and adopted the Report of the sub-Committee.

The Committee place on record their appreciation of the work done by the sub-Committee.

II. OBSERVATIONS AND FINDINGS OF THE COMMITTEE

8. The Committee in their First Report which was presented to the House on 22 November, 2001 and adopted on 16 May, 2002 made the following recommendations regarding procedure for complaints and Financial Disclosures/Declaration of Interests:

"(i) Procedure for complaints

- (a) A complaint relating to unethical conduct of a member in Lok Sabha or connected 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 complaint 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 enquiring 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 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 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 complaint 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.

9. The Committee also note that at present there is no provision in the Rules of Procedure for Ethics Committee. The Committee feels that rules may be incorporated in the Rules of Procedure providing for a Committee on Ethics and laying down its functions, etc.

10. The Committee, accordingly, recommend the following rules for incorporation* in the Rules of Procedure and Conduct of Business in Lok Sabha:—

"COMMITTEE ON ETHICS

Constitution

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

* It is proposed to incorporate these Rules in the Rules of Procedure and Conduct of Business in Lok Sabha after the rules relating to Committee of Privileges.

Functions

316 B. (1) The Committee shall:—

- (a) oversee the moral and ethical conduct of members.
 - (b) examine every complaint relating to unethical conduct of member or connected with his parliamentary conduct referred to it and make such recommendations as it may deem fit.
 - (c) frame rules specifying acts which constitute unethical conduct.
- (2) The Committee may also *suo motu* take up for examination and investigation matters relating to ethics, including matters relating to unethical conduct by members wherever felt necessary and make such recommendations as it may deem fit.
- (3) The report of the Committee may also state the procedure to be followed by the House in giving effect to the recommendations made by the Committee.

Procedure

316 C. The procedure which shall be followed by the Committee for examining complaints of unethical conduct of members shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of Privileges of any question as to breach of privilege of the House or a member.

Consideration of report by House

316 D. The provisions of rules 315 and 316 relating to consideration of Report of Committee of Privileges presented to the House and priority for consideration of such Reports by House would be applicable *mutatis mutandis* to the Reports of Committee on Ethics presented to the House.”

11. The Committee note that one of the recommendations in their First Report was about financial disclosures and declaration of interests by members. The Committee also took note of the contents of the Representation of People (Amendment) Ordinance,* 2002 promulgated by the President of India on 24.8.2002.

The main provisions of the Ordinance, which has inserted section 75A in Chapter VII A of the Representation of People Act, 1951, are as follows:—

- (a) Section 75(A)(1) requires every elected member of either House of Parliament/State Legislature to furnish information relating to his movable and immovable properties & liabilities to the concerned Presiding Officer within 90 days from the date of making oath.

*See Appendix-I.

- (b) Sub section (3) of this section requires, Chairman, Rajya Sabha Speaker, Lok Sabha/concerned Presiding Officer of State Legislatures, to make rules in this regard.
- (c) Sub section (4) of this section contains provisions *re.* mode of adoption of Rules by the concerned House.
- (d) Sub section (5) of this Section stipulates consequences of violation of rules so framed.

12. The Ordinance has come into force with effect from the date of its promulgation *i.e.* 24 August, 2002.

13. In terms of Section 75(A)(1) and (3) members would be required to furnish information relating to their movable and immovable properties and liabilities to the Speaker, Lok Sabha within 90 days from the date of making/subscribing an oath or affirmation and rules (which would be statutory in nature) with regard to declaration of assets and liabilities of members will have to be made by Speaker, Lok Sabha. The Committee are, therefore, of the considered view that since the requirement regarding financial disclosures and declaration of interests by members, as recommended by them in their First Report, has been fully met with the promulgation of the Ordinance, there is no necessity for any further action in this regard at this stage by the Committee.

14. The Committee note that at present there is no provision in the Rules of Procedure regarding making of complaints relating to unethical conduct of a member. The Committee, therefore, recommend that appropriate rules may be incorporated in the Rules of Procedure laying down the procedure for making such complaints.

15. The Committee also note that a "Code of Conduct for members of Parliament and Legislatures of States and Union territories"* was appended to the Resolution, which was unanimously adopted at the Conference of Presiding Officers, Chief Ministers, etc. on 25 November, 2001. The Committee recommend that the Code of Conduct may be suitably incorporated in the Rules of Procedure and Conduct of Business in Lok Sabha.

Evolution of ethical culture among members

16. The Committee are of the considered view that a member's probity in public life is the fundamental precept upon which rests the credibility of a parliamentary democracy. The Committee also feel that mere framing of rules regarding ethical norms cannot bring about orderly behaviour among members and there is, therefore, an urgent need of the realisation that unruly behaviour by members does not go down well with the general public. Hence, an atmosphere has to be created in which orderly behaviour by members pays in the long run.

17. The Committee therefore, agree in principle, with the proposals put forth by Shri V.M. Sudheeran for holding of a seminar on 'An analysis on the present

*See Appendix-II.

day functioning of Parliament—'An introspection' and other follow up and interactive seminars as proposed by him.

18. The Committee recommend that the details of holding such seminars should be worked out expeditiously.

NEW DELHI;
November, 2002
Kartika, 1924 (Saka)

(CHANDRA SHEKHAR),
Chairman,
Committee on Ethics.

MINUTES

MINUTES OF THE NINTH SITTING OF THE COMMITTEE ON ETHICS
HELD ON 26 SEPTEMBER, 2002

The Committee sat from 15.00 hrs. to 16.00 hrs.

PRESENT

Shri Chandra Shekhar — *Chairman*

MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Raghuvir Singh Kaushal
4. Shri Jaibhan Singh Pawaiya
5. Shri N. Janardhana Reddy
6. Shri V.M. Sudheeran

SECRETARIAT

1. S.C. Rastogi — *Joint Secretary*
2. Shri Ravindra Garimella — *Assistant Director*

2. The Committee considered the issue regarding action to be taken on the recommendations made by the Committee in their Report. In view of the well established tradition that both the Houses of Parliament adopt the uniform pattern of functioning, the Committee felt that it would be in the fitness of things if the uniformity is maintained with regard to rules relating to Committees on Ethics of both the Houses, as far as possible. The Committee also felt that the rules regarding Committees on Ethics of Rajya Sabha and Lok Sabha would in all likelihood serve as model rules for the Ethics Committees of the State Legislatures. The Committee, therefore, desired to peruse the rules formulated by the Committee on Ethics, Rajya Sabha.

3. The Committee, thereafter, decided to appoint a sub-Committee of the Committee to deliberate on the issue regarding action to be taken on the recommendations made by the Committee in their First Report and report to the Committee. The Chairman nominated Shri N. Janardhana Reddy as Chairman of sub-Committee and Sarvashri Pawan Kumar Bansal, Raghuvir Singh Kaushal, Jaibhan Singh Pawaiya and V.M. Sudheeran as its members.

4. The Committee further decided that sub-Committee might meet on 10 October, 2002 and on any other subsequent day for deliberating upon the matter and the main Committee might meet on 30 October, 2002 to consider the sub-Committee's report. It was also decided that Committee's sitting might be followed by a dinner.

The Committee then adjourned.

MINUTES OF THE FIRST SITTING OF THE SUB-COMMITTEE OF
COMMITTEE ON ETHICS HELD ON FRIDAY, 11 OCTOBER, 2002

The Committee sat from 16.00 hrs. to 17.00 hrs.

PRESENT

Shri N. Janardhana Reddy — *Chairman*

MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri V.M. Sudheeran
4. Shri Raghuvir Singh Kaushal

SECRETARIAT

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

2. The sub-Committee considered the draft paper on "Further course of action of the Committee on Ethics for consideration of the sub-Committee" presented by Shri V.M. Sudheeran, member of sub-Committee.

3. After some deliberations, the sub-Committee broadly agreed with the proposals put forth by Shri Sudheeran. The sub-Committee directed the Secretariat to prepare a draft Report of the sub-Committee.

4. Sub-Committee decided to meet again on 22 October, 2002.

The Committee then adjourned.

MINUTES OF THE SECOND SITTING OF SUB-COMMITTEE OF
COMMITTEE ON ETHICS HELD ON 22 OCTOBER, 2002

The Sub-Committee sat from 15.00 hrs. to 15.40 hrs., in Room No. 53, Parliament House.

PRESENT

Shri N. Janardhana Reddy—*Chairman*

MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Raghuvir Singh Kaushal
4. Shri Jaibhan Singh Pawaiya
5. Shri V.M. Sudheeran

SECRETARIAT

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

2. At the outset Shri V.M. Sudheeran, member of sub-Committee presented a further revised paper on "future course of action of the Committee on Ethics for consideration of the sub-Committee" (See Annexure I). The sub-Committee decided at the request of Shri Sudheeran not to append this paper to its Report. It was, however, decided that with the approval of the Hon'ble Chairman, Committee on Ethics, copies of this paper might be circulated to all the members of the Committee for their information.

3. The sub-Committee, thereafter considered its Draft Report. Members expressed their views. Some modifications/additions were proposed (See Annexure II for details). After some deliberation, the sub-Committee adopted its Report as modified.

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

(The sub-Committee then adjourned.)

Annexure—I

(See para 2 of Minutes)

PAPER ON FUTURE COURSE OF ACTION OF THE COMMITTEE ON ETHICS FOR CONSIDERATION OF THE SUB-COMMITTEE PRESENTED BY SHRI V.M. SUDHEERAN, MP

Introduction

The credibility of the Parliament and impeccable integrity of its members are imperative for the success of a democracy. It has been quite some time, since resolution has been passed by the All India conference of Presiding Officers, Leaders etc. on 25.11.2001 *inter-alia* adopting a Code of Conduct for Legislators and resolving to implement it. Ethics Committees of Lok Sabha and Rajya Sabha too have in their reports made recommendations regarding ethics related norms and adherence to code of Conduct. It is high time that an ethical culture and implementation of Code of Conduct and Standards for members are evolved. In order to achieve this, the Ethics Committee has to adopt a two pronged approach.

Firstly, immediate steps should be taken to incorporate in Rules of Procedure various norms of ethics and for framing rules regarding procedure for making ethics related complaints etc. As regards the second approach concerted efforts should be made to ingrain amongst the legislators the basic values of ethics.

Framing of rules regarding ethical norms

Towards this end, action should be taken on the recommendations made in the First Report of the Committee on Ethics. The Committee in their First Report apart from recommending adherence to various ethical norms which have been stipulated in rules, directions and laid down in conventions, also recommended procedure for making ethics related complaints and financial disclosures and Declaration of Interests by members.

As regards procedure for making ethics related complaints the same has been considered in-depth by the earlier sub-committee and later by Committee on Ethics. Hence recommendations in this regard would simply have to be given a formal shape of Rules.

As regards recommendations in the First Report regarding financial disclosures and declaration of interests by members, the same have been finalized after in-depth examination first by earlier sub-committee and later by the main Committee. The recommendations in this regard made by the Ethics Committee, Rajya Sabha in their Second report are almost identical in terms.

The All India Conference of Presiding Officers, etc. in their Resolution adopted on 25.11.2001 took note of the above recommendations and resolved that urgent steps be taken requiring their implementation.

Steps should be taken to incorporate above recommendations in rules. The rules proposed by Rajya Saba Ethics Committee might also be consulted.

Rules might also be framed regarding composition of Committee on Ethics, its functions etc.

Another aspect that needs to be attended is implementation of Code of Conduct for Legislators appended to the Resolution which was unanimously adopted at the Conference of Presiding Officers, Chief Ministers, Leaders etc. on 25.11.2001.

In the said Code the norms of etiquette and standards with regard to Code of conduct for members inside the House and code of conduct for members in Parliamentary Committees are based on existing Lok Sabha Rules/directions.

Rules would have to be framed with regard to the following:—

- (1) Code of conduct for members during President's Address;
- (2) Guidelines for parliamentary committees and Code of Conduct for members during study tours;
- (3) Code of conduct during delegations to foreign countries; and
- (4) Code of Conduct for members outside Parliament.

Evolution of ethical culture among members

Parliamentary democracy is the most respected way of governance since the mantle of governance rests upon the elected representatives of people. As an elected representative of the people, a member of Parliament's status is an exalted one. While privileges are given to members to enable them to perform their parliamentary duties unfettered, these privileges also entail certain obligations. A dignified conduct is one of the primary obligations of a member of Parliament. This apart, members' probity in public life is the fundamental precept upon which rests the credibility of parliamentary democracy. During the early days of our Parliament, members of Parliament commanded respect and Houses of Parliament and Legislatures were considered temples of democracy. It is regrettable that this is no longer the position. With corruption rampant among a number of legislators, their criminal antecedents and unruly behaviour in the House, the reputation of legislators has suffered badly. As a result the general public has started looking at legislators with contempt to certain extent. In short, the credibility of Parliament is also at stake because of the misdoings of a few. Therefore, the need of the hour is to strengthen the credibility, integrity and sense of responsibility of this democratic institution of paramount significance.

The time has now come for soul searching by legislators themselves and introspection. The culture of ethics has to be evolved and the sense of discipline and responsibility should come from within.

The process of correction of the present day malaise of disorderliness which has afflicted our political system is to come from within. This is the exact purpose of the introspection by the legislators themselves. Besides, the very process of introspection would give a message that the legislators themselves are earnest in restoring the losing credibility of our existing system.

Towards this end the following proposals are made:

- (a) A seminar on "**An analysis on the present day functioning of Parliament—An Introspection**" be held on a weekend (*i.e.* Saturday & Sunday) in the first week of December, 2002 during ensuing winter session.
- (b) The seminar may be attended by the following:
 - (i) Leaders, Deputy Leaders of Legislature parties, its Secretaries and Chief Whips/Whips.
 - (ii) Presidents of political parties (since the very selection of candidates is most crucial and monitoring of the performance of members is highly needed and Presidents of the political parties play a key role in this regard)
 - (iii) Chairman and members of Committee on Ethics, Lok Sabha.
 - (iv) Chairman, Committee of Privileges, Lok Sabha
 - (v) Chairman, Committee on Ethics, Rajya Sabha
 - (vi) Secretary-General, Lok Sabha and former Secretary-Generals of Lok Sabha.
- (c) The seminar may be inaugurated by the President of India. During the inauguration Session, the President, Prime Minister, Speaker, Lok Sabha and the Leader of the Opposition may speak. The inauguration session may not last for more than one hour.
- (d) The inaugural session may be followed by the actual session, which may be held in camera. The session may not be open to press.
- (e) A sub-committee of Committee on Ethics may be constituted to conduct this seminar. This sub-committee may thereafter, analyse the outcome of deliberations during the seminar & present a Report to the main Committee.

This seminar may be followed up by four/five session of seminar of a batch of 150 members during ensuing Budget Session on weekends.

An interactive session may also be organized of existing parliamentarians and former parliamentarians with some social activists, representatives of press/media and eminent personalities from judiciary.

An interaction with representatives of the media like the editors/senior journalists is to be arranged finally.

The role of the media in upholding the prestige of Parliamentary proceedings is of paramount importance. But quite often it is noted that the members who participate in deliberations in a dignified manner are neglected whereas the members perpetrating unruly behaviour are highlighted by the media. This in turn catalyzes further trouble.

Lung power and muscle power of the few take precedence over genuine Parliamentary debate and discussion. It is a despicable digression from the health traditions established by the great predecessors in Parliamentary practice.

While interacting with the media leaders these aspects have to be brought forward and corrective measures discussed.

It has now become almost a regular practice of handful of members from either side to obstruct the normal and legitimate proceedings of Parliament even on insignificant provocation and then they move out for their performance of the day before the media. Making this customary is unbecoming of the dignity expected of members of Parliament.

There are various Parliamentary devices both for the ruling side and oppositon to express their opinions, comments, criticisms and the likes. But unfortunately, instead of making use of these devices inside the House, many a member finds pleasure in taking it out of the House. This contributes only to the diminishing of the role of Parliament.

This trend is, if unchecked will push our Parliamentary practice to a crisis of credibility. To avert such a tragic predicament a collective endeavour from the part of members themselves has to evolve.

Annexure-II
(See para 3 of Minutes)

Sl. No.	Para No. of Report	Modification
1	2	3
1.	4(i) Last line	<i>For</i> Committee on Ethics, its functions etc. <i>Read</i> Committee on Ethics and its functions etc.
2.	4(ii) First Line	<i>For</i> Steps should be taken for implementation..... <i>Read</i> Steps should be taken by Lok Sabha for implementation
3.	After 4(ii)	<i>Add</i> following new sub para: "Concerted efforts should be made to ingrain amongst the legislators the basic value of ethics. The time has now come for soul searching by legislators themselves and introspection. The culture of ethics has to be evolved and the sense of discipline and responsibility should come from within."
4.	4	Renumber existing sub para (iii) as (iv)
5.	4 [renumbered sub-para (iv)] line 3 from top	<i>For</i>this seminar may be followed up by four/five sessions of seminar.... <i>Read</i>this seminar may be followed up by a series of four/five seminars
6.	4 [renumbered sub-para (iv)] line 5 from top	<i>For</i>an interactive session may also be organised of existing parliamentarians.... <i>Read</i> ...an interactive session may also be organised of sitting members of Parliament

1	2	3
7.	9 Line 3 from top	<p><i>For</i> the sub-Committee took note</p> <p><i>Read</i> the sub-Committee also took note</p>
8.	11	<p>Existing para may be replaced by the following:</p> <p>In terms of Section 75(A)(1) and (3) members would be required to furnish information relating to their movable and immovable properties and liabilities to the Speaker, Lok Sabha within 90 days from the date of making/subscribing an oath or affirmation and rules (which would be statutory in nature) with regard to declaration of assets and liabilities of members will have to be made by Speaker, Lok Sabha. The sub-Committee is, therefore, of the considered view that since the requirement regarding financial disclosures and declaration of interests by members, as recommended by the Committee on Ethics in their First Report, has been fully met with the promulgation of the Ordinance, there is no necessity for any further action in this regard at this stage by the Committee on Ethics.</p>
9.	14 Line 3 from below	<p><i>For</i>urgent need for creating an awareness that unruly....</p> <p><i>Read</i>urgent need of the realisation that</p>
10.	15 last line	<p><i>For</i>Seminars proposed by him.</p> <p><i>Read</i>Seminars as proposed by him.</p>
11.	16	<p>Existing para may be replaced by the following:</p> <p>The sub-Committee recommends that the details of holding such seminars should be worked out expeditiously.</p>

MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON ETHICS
HELD ON 30 OCTOBER, 2002

The Committee sat from 1800 hrs. to 1855 hrs.

PRESENT

Shri Chandra Shekhar — *Chairman*

MEMERS

2. Shri Pawan Kumar Bansal
3. Shri Raghuvir Singh Kaushal
4. Shri Jaibhan Singh Pawaiya
5. Shri N. Janardhana Reddy
6. Shri V.M. Sudheeran
7. Shri Prakash Mani Tripathi
8. Dr. Sahib Singh Verma

SECRETARIAT

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

2. The Committee took up for consideration the Report of the sub-Committee of Committee on Ethics on "Further action to be taken on recommendations made by the Committee on Ethics in their First Report and on other ethics related matters."

3. At the outset, the chairman appreciated the work of the sub-Committee done in a very short time. Thereafter, the Chairman and the members expressed their views. The Committee, after some discussion approved the Report of the sub-Committee.

4. The Committee authorised the Chairman to present the Report on their behalf to the House. The Committee further decided that after presentation of the Report, detailed press release might be issued and thereafter the Chairman and the members of the Committee might meet Hon'ble Speaker, Lok Sabha for deliberating upon further course of action.

The Committee then adjourned.

APPENDICES

APPENDIX-I
(See para 11 of Report)

रजिस्ट्री सं० डीएल-33004/2002

REGISTERED NO. DL-33004/2002



भारत का राजपत्र
THE GAZETTE OF INDIA

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 52] नई दिल्ली शनिवार, अगस्त 24, 2002/भाद्र 2, 1924

No. 52] NEW DELHI, SATURDAY, AUGUST 24, 2002/BHADRA 2, 1924

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th August, 2002/Bhadra 2, 1924 (Saka)

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT)
ORDINANCE, 2002**

No. 4 OF 2002

Promulgated by the President in the Fifty-third year of the Republic of India.

An Ordinance further to amend the Representation of the People Act, 1951.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 2002.

(2) Save as otherwise provided in this Ordinance, the provisions of this Ordinance shall come into force at once.

Insertion of new section 33A.

2. After section 33 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

43 of 1951

Right to information

"33A. (1) A candidate shall, apart from any information which he is required to furnish, under this Act or the rules made thereunder, in his nomination paper delivered under sub-section (1) of section 33, also furnish the information as to whether—

(i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction.

(ii) he has been convicted of an offence [other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8] and sentenced to imprisonment for one year or more.

(2) The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33, also deliver to him an affidavit sworn by the candidate in a prescribed form verifying the information specified in sub-section (1).

(3) The returning officer shall, as soon as may be after the furnishing of information to him under sub-section (1), display the aforesaid information by affixing a copy of the affidavit, delivered under sub-section (2), at a conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered."

3. After section 33A of the principal Act as so inserted, the following section shall be inserted and shall be deemed to have been inserted with effect from the 2nd day of May, 2002, namely:—

Insertion of new section 33B.

"33B. Notwithstanding anything contained in any judgement, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder."

Candidate to furnish information only under the Act and the rules.

4. In Part V of the principal Act, after Chapter VII, the following Chapter shall be inserted, namely:—

Insertion of new Chapter VIIA.

CHAPTER VIIA

DECLARATION OF ASSETS AND LIABILITIES

75A. (1) Every elected candidate for a House of Parliament or the Legislature of a State shall, within ninety days from the date on which he makes and subscribed an oath or affirmation, according to the form set out, for the purpose in the Third Schedule to the Constitution, for taking his seat in either House of Parliament or in the Legislative Assembly of a State or the Legislative Council of a State, as the case may be, furnish the information, relating to—

Declaration of assets and liabilities.

(i) the movable and immovable property of which he is the owner or a beneficiary;

(ii) his liabilities to any public financial institution; and

(iii) his liabilities to the Central Government or the state Government,

to the Chairman of the Council of State or the Speaker of the House of the People or the Chairman of the Legislative Council of a State or the Speaker of the Legislative Assembly of a State, as the case may be.

(2) The information under sub-section (1) shall be furnished in such form and in such manner as may be prescribed in the rules made under sub-section (3).

(3) The Chairman of the Council of States or the Speaker of the House of the People or the Chairman of the Legislative Council of a State or the Speaker of the Legislative Assembly of a State, as the case may be, may make rules for the purposes of sub-section (2).

(4) The rules made by the Chairman of the Council of States or the Speaker of the House of the People or, as the case may be, by the Chairman of the Legislative Council of a State or the Speaker of the Legislative Assembly of a State under sub-section (3) shall be laid as soon as may be after they are made, before the Council of States or the House of the People or the Legislative Council or the Legislative Assembly, as the case may be, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the Council of States or the House of the People or the Legislative Council or the Legislative Assembly and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(5) The Chairman of the Council of States or the Speaker of the House of the People or, as the case may be, the Chairman of the Legislative Council of a State or the speaker of the Legislative Assembly of a State may direct that any wilful contravention of the rules made under sub-section (3) by an elected candidate referred to in sub-section (1) may be dealt with in the same manner as a breach of privilege of the Council of States or the House of the

People or the Legislative Council or the Legislative Assembly, as the case may be.

Explanation—For the purpose of this section,—

- (i) "immovable property" means the land and includes any building or other structure attached to the land or permanently fastened to anything which is attached to the land;
- (ii) "movable property" means any other property which is not the immovable property and includes corporeal and incorporeal property of every description;
- 1 of 1956 (iii) "public financial institution" means a public financial institution within the meaning of section 4A of the Companies Act, 1956 and includes bank; and
- (iv) "bank" referred to in clause (iii) means—
- 23 of 1955 (a) "State Bank of India" constituted under section 3 of the State Bank of India Act, 1955;
- 38 of 1959 (b) "subsidiary bank" having the meaning assigned to it in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;
- 21 of 1976 (c) "Regional Rural Bank" established under section 3 of the Regional Rural Banks Act, 1976;
- 10 of 1949 (d) "Corresponding new bank" having the meaning assigned to it in clause (da) of section 5 of the Banking Regulation Act, 1949; and
- 10 of 1949 (e) "co-operative bank" having the meaning assigned to it in clause (ccf) of section 5 of the Banking Regulation Act, 1949 as modified by the sub-clause (i) of clause (c) section 56 of that Act.

5. After section 125 of the Principal Act, the following section shall be inserted, namely:—

"125A. A candidate who himself or through his proposer, with intent to be elected in an election—

Insertion of new section 125A.

Penalty for filing
false affidavit,
etc.

(i) fails to furnish information relating to sub-section (1) of section 33A; or

(ii) gives false information which he knows or has reason to believe to be false;
or

(iii) conceals any information,

in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both."

6. In section 169 of the principal Act, in sub-section (2), clause (a) shall be renumbered as clause (aa) thereof, and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—

"(a) the form of affidavit under sub-section (2) of section 33A;"

Amendment of
section 169.

A.P.J. ABDUL KALAM,
President.

SUBHASH C. JAIN,
Secy. to the Govt. of India.

APPENDIX-II
(See para 15 of Report)

Text of the Resolution

adopted
at the
All India Conference of Presiding Officers,
Chief Ministers, Ministers of Parliamentary Affairs,
Leaders and Whips of Parties on

"Discipline and Decorum in Parliament and
Legislature of States and Union Territories"

Held at New Delhi on

Sunday, 25 November, 2001

LOK SABHA SECRETARIAT

NEW DELHI

November, 2001

TEXT OF THE RESOLUTION ADOPTED AT THE ALL INDIA CONFERENCE OF PRESIDING OFFICERS, CHIEF MINISTERS, MINISTERS OF PARLIAMENTARY AFFAIRS, LEADERS AND WHIPS OF PARTIES ON 'DISCIPLINE AND DECORUM IN PARLIAMENT AND LEGISLATURES OF STATES AND UNION TERRITORIES' HELD AT NEW DELHI ON SUNDAY, 25TH NOVEMBER, 2001

The Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, leaders of Parties, Whips and other distinguished members of Parliament and Legislatures of States and Union Territories;

Having met in a Conference at New Delhi on 15 November, 2001 to deliberate on the need for 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories';

Taking serious note of the growing tendency to disturb and stall the proceedings of Parliament and State Legislatures and incidents of disorderly conduct by members inside the House which, besides eroding the credibility of these representatives institutions, also lead to public disillusionment with the very system of parliamentary democracy;

Taking note of the step taken in this direction at the All India Conference of Presiding Officers and others on 'Discipline and Decorum in Parliament and State Legislatures', held at New Delhi on 23 and 24 September, 1992, which considered the matter in great detail;

Also taking note of the unanimous Resolution adopted by the two Houses of Parliament at their commemorative session to mark the Golden Jubilee of Indian Independence on 1 September, 1997 whereby the members committed themselves to maintain the inviolability of the Question Hour, to refrain from transgressing into the well of the House or from shouting slogans, and to desist from any effort at interruptions or interference with the address of the President of the Republic;

Commending the endeavours of the Ethics Committees of Rajya Sabha, Lok Sabha and Andhra Pradesh and Orissa Legislative Assemblies to evolve a Code of Conduct and ethical norms for their members inside and outside the House;

Appreciating the efforts made by the Presiding Officers at their Sixty-fourth Conference held in June, 2001 at Chandigarh on the initiative of Speaker, Lok Sabha to find ways and means for curbing the incidents of disorderly conduct in Parliament and Legislatures of States/Union Territories, and the ongoing endeavours by Lok Sabha for making provisions in the Rules of Procedure for automatic suspension of members of the House for a specified period for their acts of transgression into the well of the House and creating disorder there; and

Being concerned that all these concerted efforts have proved to be inadequate in curbing this increasingly disturbing trend;

Hold that acts of improper conduct in the House such as shouting of slogans, showing of placards, tearing and throwing of papers, showing of indecent postures, making of improper gestures, rushing to the well of the House, holding demonstrations, sitting on dharna, disturbing the proceedings and not allowing other members

to speak, not heeding to the directions of the Chair to maintain order, questioning the rulings of the Presiding Officers etc., effect adversely the proper functioning of the Parliament and the Legislatures;

Urge the legislators to realise that they belong to the supreme representative institutions of our democratic polity, that their conduct, both inside and outside the House, has a direct bearing on its success and that being the custodians of the interests of the entire nation, their conduct should not only be exemplary but also conform to the highest democratic traditions and expectations of the people;

Call upon the leaders of political and legislatures parties to come forward and play a proactive role in maintaining decorum in Legislatures by restraining their members from indulging in disorderly conduct inside the House and to impress upon them the need for faithful adherence to the norms of discipline, decorum and decent behaviour in the House;

Emphasize that the time has come to seriously introspect and analyse the root causes of this malady and take effective measures to stamp it out from our body politic;

Are of the view that some of the major contributory factors behind this trend of disorderly conduct by members in Legislatures are:—

- (i) non-availability of adequate time and consequent frustration of members over perceived inadequacy of opportunities to raise matters pertaining to their grievances on the floor of the House,
- (ii) misgivings created at times by seemingly unresponsive attitude adopted by Government and retaliatory posture by treasury benches,
- (iii) disinclination, at times, on the part of the leadership of legislature parties to adhere to parliamentary norms and to discipline their members.
- (iv) absence of prompt and proper action against erring members under the Rules of Procedure, and
- (v) lack of sufficient training and orientation, especially of new members, in parliamentary procedure and etiquette.

Aware that—

- (i) the Presiding Officers of Legislative Bodies in India at their Conference held at Shimla in October, 1997 and the Committee of Presiding Officers of Legislative Bodies, in their Report on 'Procedural Uniformity and Better Management of the Time of the House', adopted at the Presiding Officers' Conference held at Chandigarh in June, 2001, had recommended that there should be Constitutional provisions to ensure a minimum of 100 sittings of bigger State Legislatures having at least 100 Members and 60 sittings for smaller State Legislatures having less than 100 Members.
- (ii) the Committee of Privileges (Eleventh Lok Sabha), in their Report on 'Ethics, Standards in Public Life, Privileges, Facilities to Members and Other Related Matters' had recommended that 'immediate corrective measures'

and 'comprehensive electoral reforms' are required, to check the 'criminalisation of politics which was eating into the very vitals of our democratic system',

- (iii) the Committee on Ethics, Rajya Sabha, in their First Report, presented on 8 December, 1998 had recommended that the political parties should 'devise self-controlling norms which should regulate the conduct of their members' and that 'the parameter for the selection of candidates for elections by political parties should be proven standards in public life',
- (iv) the Committee of Presiding Officers on 'Procedural Uniformity and Better Management of the Time of the House' had recommended that Departmentally Related Standing Committees and Ethics Committees should be constituted in all the Legislatures,
- (v) The Committee on Ethics, Rajya Sabha in their Second Report presented on 13 December, 1999 had recommended that—
 - (a) a Register of Members' Interests be maintained under the authority of the Committee on Ethics or of the House,
 - (b) every member may be required to furnish information annually relating to any pecuniary interest or other material benefits which he receives, and
 - (c) every member may be required to notify changes, if any, in the information so furnished by him within ninety days of such changes occurring,
- (vi) The Committee on Ethics, Lok Sabha in their First Report on "Ethics Related Matters" laid on the Table of the House on 22 November, 2001 recommended that—
 - (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 the tenure of the Lok Sabha, and
 - (c) a Register of Members' Interests May be maintained in the Lok Sabha Secretariat on the basis of information furnished by the members;

Rededicate themselves to preserving, nurturing and strengthening the parliamentary democracy which is the very essence of our polity and to make the parliamentary institutions a success; and

Towards this end Resolve that

- (i) the prestige of Parliament and the Legislature of States and Union Territories be preserved and enhanced by adopting and enforcing a Code of Conduct for legislators which forms part of this Resolution as an Annexure,

- (ii) necessary changes, wherever required, be incorporated in the Rules of Procedure of all Legislatures to facilitate the implementation of the said Code of Conduct,
- (iii) all violations or breaches of the Code of Conduct be duly punished by measures like admonition, reprimand, censure or withdrawal from the House for offences of a less serious nature and by automatic suspension from the service of the House for a specific period for grave misconduct as may be specified,
- (iv) immediate steps be taken to ensure a minimum of 110 days of sittings of Parliament and 90 and 50 days of sittings of the Legislatures for the big and small States respectively, if necessary, through appropriate Constitution amendment,
- (v) necessary changes be made in the Rules of Procedure to strengthen the Committee system in Parliament and Legislatures of States and Union Territories to provide increased participation of legislators in the parliamentary process,
- (vi) Ethics Committees be constituted by the Presiding Officers forthwith in all the Legislatures where these have not already been constituted for enforcing the Code of Conduct,
- (vii) Urgent steps be taken requiring—
 - (a) legislators to file a financial disclosure statement comprising information with regard to their income, assets and liabilities immediately after their election to respective Legislatures,
 - (b) legislators to notify changes, if any, in the information furnished by them in their financial disclosure statement within a specified period, and
 - (c) maintenance of a Register of Members' Interests by all Legislatures,
- (viii) earnest endeavours be made by all political parties to lay down parameters with emphasis on proven standards in public life, for selection of candidates for elections,
- (ix) a more responsible and effective role in maintaining decorum in the House be played by the Leader of the House, the Leader of the Opposition and leaders of political and legislature parties by ensuring disciplined behaviour on the part of their members,
- (x) a more positive and responsive attitude be adopted by the Government and Treasury Benches towards the opposition by being more accommodative and by responding promptly to the matter raised by opposition members on the floor of the House,
- (xi) the treasury and opposition benches in the House should be more tolerant, accommodative and understanding towards each other,

- (xii) Presiding Officers and leadership of political and legislature parties should ensure that the members, especially the new members, are given proper training and orientation in parliamentary procedure, discipline and decorum, by the Bureau of Parliamentary Studies and Training of Lok Sabha and those constituted in some State Legislatures or by other institutions or bodies;

And hope that all concerned will act in accordance with this Resolution in letter and spirit.

*ANNEXURE TO THE
RESOLUTION*

*CODE OF CONDUCT FOR
MEMBERS OF PARLIAMENT AND
LEGISLATURES OF STATES AND
UNION TERRITORIES*

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PART I

PRELIMINARY

1. This Code may be called the Code of Conduct for members of Parliament and Legislatures of States and Union Territories.
2. Words and expressions used in the Code shall, unless the context otherwise requires, have the meaning assigned to them in the Constitution of India and the Rules of Procedure and Conduct of Business of Houses of Parliament and Legislatures of States and Union Territories.

PART II
CODE OF CONDUCT FOR MEMBERS INSIDE THE HOUSE

General rules

3. A member, whilst the House is sitting, shall—

- (i) bow to the Chair while entering or leaving the House and also when taking or leaving his seat;
- (ii) always address the Chair;
- (iii) keep to his usual seat while addressing the House;
- (iv) maintain silence when not speaking in the House;
- (v) avoid talking or laughing in Lobby loud enough to be heard in the House;
- (vi) maintain the inviolability of the Question Hour;
- (vii) refrain from transgressing into the well of the House;
- (viii) resume his seat as soon as the Speaker rises to speak.

4. A member, whilst the House is sitting, shall not—

- (i) read any book, newspaper or letter except in connection with the business of the House;
- (ii) interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- (iii) pass between the Chair and any member who is speaking;
- (iv) leave the House when the Speaker/Chairman is addressing the House;
- (v) obstruct proceedings, or interrupt and shall avoid making running commentaries when another member is speaking;
- (vi) applaud when a stranger enters any of the Galleries, or the Special Box;
- (vii) shout slogans in the House;
- (viii) sit or stand with his back towards the Chair;
- (ix) approach the Chair personally in the House. He may send chits to the officers at the Table, if necessary;
- (x) wear or display badges of any kind in the House;
- (xi) bring or display arms in the House;
- (xii) display flags, emblems or any exhibits in the House;
- ~~(xiii) leave the House immediately after delivering his speech;~~
- (xiv) distribute within the precincts of Parliament House any literature, questionnaire, pamphlets, press notes, leaflets etc. not connected with the business of the House;

- (xv) place his hat/cap on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with his coat hanging on the arms;
 - (xvi) carry walking stick into the House unless permitted by the Speaker on health grounds;
 - (xvii) tear off documents in the House in protest;
 - (xviii) bring or play cassette or tape recorder in the house;
 - (xix) sit on Satyagrah or Dharna inside the House or anywhere within the precincts of Parliament or Legislatures of States and Union Territories;
 - (xx) bring cellular phones or pagers in the House.
5. (1) If a private member desires to lay a paper or document on the Table of the House, he shall supply a copy thereof to the Speaker in advance so as to enable him to decide whether permission should be given to lay the paper or document on the Table. If the Speaker/Chairman permits the member to lay the paper or document on the Table, the member may at the appropriate time lay it on the Table.
- (2) If a private member, in the course of his speech wishes to quote from a secret Government document, paper or report, he shall supply a copy thereof in advance to the Speaker and also indicate the portions thereof which he wishes to quote in order to enable the Speaker to decide whether permission should be given. If the Speaker/Chairman permits the member to quote from the document, the member may do so at the appropriate time. If the Speaker/Chairman does not accord the necessary permission, the member shall not quote from the document nor refer to its contents.
6. (1) A member wishing to point out any mistake or inaccuracy in a statement made by a Minister or any other member shall, before referring to the matter in the House, write to the Speaker/Chairman pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House.
- (2) The member may place before the Speaker/Chairman such evidence as he may have in support of his allegation.
7. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given adequate advance notice to the Speaker/Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:
- Provided that the Speaker/Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.
8. Member shall not give any advance publicity to various notices given by them.
9. A member having a personal, pecuniary or direct interest in a matter before the House, while taking part in the proceedings on that matter, shall declare the nature of

that interest. It is expected of the member, as a matter of propriety, to decide for himself whether by casting his vote in a division in the House on the matter, his judgement is likely to be deflected from the straight line of public policy by that interest.

Rules to be observed while speaking

10. A member, while speaking shall not—

- (i) refer to any matter of fact on which a judicial decision is pending;
- (ii) make personal reference by way of making an allegation imputing a motive to or questioning the *bona fide* of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto;
- (iii) use offensive expressions about the conduct or proceedings of Parliament or any Legislature of State/Union Territory;
- (iv) reflect on any determination of the House except on a motion for rescinding it;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;
- (vi) use the President's/Governor's/Lieutenant Governor's name for the purpose of influencing the debate;
- (vii) utter treasonable, seditious or defamatory words;
- (viii) use his right of speech for the purpose of obstructing the business of the House;
- (ix) make any reference to the strangers in any of the galleries;
- (x) refer to Government officials by name;
- (xi) read a written speech except with the previous permission of the Chair;
- (xii) question or comment on the ruling of the Speaker/Chairman;
- (xiii) use insinuation or offensive and unparliamentary expressions while addressing the Chair;
- (xiv) speak unless called by the Speaker/Chairman;
- (xv) speak unparliamentary words.

PART III

CODE OF CONDUCT FOR MEMBERS DURING PRESIDENT'S/ GOVERNOR'S/LIEUTENANT GOVERNOR'S ADDRESS

11. It is imperative for each and every member or any other person present on the occasion of the President's address to observe solemnity, dignity and decorum.

12. If any member or other person interrupts or obstructs the President's Address to either House of Parliament or both Houses of Parliament assembled together, either before or during or after the Address, while the President is in the Hall, with any speech or point of order or walk-out or in any other manner, such interruption, obstruction or show of disrespect shall tantamount to an act of disorder and disrespect to the President and may be considered as a grossly disorderly conduct on the part of concerned member or other person and a contempt of the house which may be dealt with by the house subsequently on a motion moved by a member.

13. If any member or other person interrupts or obstructs the President's Address or mars the dignity of the occasion in any other manner, the President, who is in charge of the proceedings and fully competent to preserve order on the occasion may give such directions as he may consider necessary to preserve order, solemnity and dignity of the occasion.

14. The provisions of clauses 11 to 13 of the Code would be applicable *mutatis mutandis* to the Address by Governors of States to members of both Houses of respective State Legislatures and Lieutenant Governors of Union Territories to members of respective Legislative Assemblies.

PART IV

CODE OF CONDUCT FOR MEMBERS IN PARLIAMENTARY COMMITTEES/COMMITTEES OF LEGISLATURES OF STATES AND UNION TERRITORIES

Code of Conduct for members in Parliamentary Committees

15. Where a member of a Committee has a personal, pecuniary or direct interest in any matter which is to be considered by the Committee, he shall state his interest therein to the Speaker through the Chairman of the Committee.

16. Since the proceedings of a Committee are treated as confidential, it is not permissible for a member of the Committee or any one who has access to its proceedings to communicate directly or indirectly to the press any information regarding its proceedings including its report or any conclusions arrived at, finally or tentatively, before the report has been presented to the House.

17. Whenever a paper or documents, marked 'secret' or confidential is circulated to the members of the members of the Committee, the contents of such paper or document shall not be divulged by any member either in the minute of dissent or on the floor of the House, or otherwise, without the permission of the Speaker/Chairman; and where such permission has been obtained, any restriction imposed by the Speaker in regard to the manner in which, or the extent to which the information contained in the document may be divulged, shall be strictly observed.

18. The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table.

Guidelines for Parliamentary Committees and Code of Conduct for members during study tours of Parliamentary Committees

19. Committees should not normally undertake tours unless it is absolutely necessary to undertake an on-the-spot study tour for proper examination of the subject before the Committee.

20. Where a Committee propose to undertake a tour, prior permission of the Speaker/Chairman should be taken in all cases.

21. Tours should not be undertaken merely because something has to be seen or discussion have to be held with local authorities. Discussions can always usefully be held in the Parliament House/Assembly/Council Houses and the Officers concerned with the subject matter can be specifically called before the Committee.

22. The whole Committee should not undertake a tour. A small sub-Committee or Study Group consisting of five or six members may be formed for the purpose who may report to the whole Committee after its study tour. In cases where the Committee consists of more than 30 members, the sub-Committee or Study Group may have a maximum of 10 members.

23. During the tours, Committees should avoid visits to place not included in the official tour programme, except local sight seeing.

24. It is necessary that the expenditure on tours and the strain on the local administration and transport authorities should be kept to the minimum.

25. Terms of reference of the Study Groups or sub-Committees who are sent on study tours should be precise and laid down in writing.

26. A study tour should be undertaken before the official evidence on the subject is taken by the Committee and not after the evidence.

27. A study tour should be undertaken for the absolutely, minimum necessary period, not exceeding a week at a time.

28. Sufficient notice of the tour programme should be given to the State Governments/other Departments or Undertakings concerned.

29. There should be not last minute changes in the tour programme by Study Groups as these result in considerable difficulties to the Railway, Airlines, concerned Government Departments and Officers.

30. Members shall avoid intermediate journeys during the tours. When transport is provided by Government/Undertakings during the tours of the Committee, such transport should be used for Committee work and not by individual members for distant private visits.

31. Members during tours, shall take particular care to maintain proper dignity and decorum so that no criticism is made of the Committee in any manner.

32. During the tour, if a member falls ill and the doctor advises him not to undertake further tour, he shall follow the doctor's advice.

33. No member shall give press statements regarding Committee proceedings to press. Whenever any briefing of the press is required to be done, the same should be done by the Chairman of the Committee.

34. Members shall not accept any costly gifts during the tour. Members can, however, accept inexpensive mementos connected with the organisation visited.

35. The Committee or Sub-Committee or Study Group, while on tour, shall not accept any invitation for lunch or dinner or other hospitality that might be extended by any private party. At the official lunches or dinners, if any, that might be accepted by the Committee or sub-Committee or Study Group, no liquor should be allowed to be served.

36. No member shall take any other person during the official tours. An attendant or member's spouse may accompany a member on medical grounds with the prior permission of the Chairman of the Committee. In such cases, the member shall bear all expenses including hotel charges in respect of his/her spouse or attendant. In case a member is found having any accompanying person without prior permission, he/she would not only bear all the expenses of such a person but would also stand automatically debarred from undertaking any Committee tour thereafter.

37. The spouse or attendant of a member in no case, shall accompany Committee members during official visit to any installation, undertakings, office or establishment and during informal discussions with officers of the concerned establishment, undertaking etc.

38. The provisions of clause 15 to 37 would be applicable *mutatis mutandis* to Committees of Legislatures of States and Union Territories and their members.

PART V

CODE OF CONDUCT DURING DELEGATIONS TO FOREIGN COUNTRIES

39. (i) Members should adhere to protocol norms during the visits to foreign countries.
- (ii) While participating in the international Conferences, members should follow rules, guidelines, conditions etc. as may be provided for in the Statutes/Rules and/or as may be fixed by the organisers.
- (iii) During visit of Parliamentary delegations to other countries, no member shall give press statements regarding visit. Whenever any briefing of the press is required to be done, the same shall be done by the leader of the delegation.

PART VI

CODE OF CONDUCT FOR MEMBERS OUTSIDE PARLIAMENT AND LEGISLATURES OF STATES AND UNION TERRITORIES AND GENERAL ETHICAL PRINCIPALS

Code of Conduct for members outside the Parliament and Legislatures of States and Union Territories

40. Information given to members in confidence or by virtue of there being members of Committees of Parliament/Legislatures of States and Union Territories shall not be divulged to anyone nor used by them directly or indirectly in the profession in which they are engaged, such as in their capacity as editors or correspondents of newspapers or proprietors of business firms and so on.
41. A member shall not try to secure business from Government for a firm, company or organisation with which he is directly or indirectly concerned.
42. A member shall not give certificates which are not based on facts.
43. A member shall not make profit out of Government residence allotted to him sub-letting the premises.
44. A member shall not unduly influence the Government officials or the Ministers in a case in which he is interested financially either directly or indirectly.
45. A member shall not received 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.
46. A member shall not in his capacity as a lawyer or a legal advisor or a counsel or a solicitor appear before a Minister or an executive officer exercising *quasi-judicial* powers.
47. A member shall not proceed to take action on behalf of his constituents on some insufficient or baseless facts.
48. A member shall not permit himself to be used as a ready supporter of anybody's grievances or complaints without verifying facts.
49. A member shall not endorse incorrect certificates on bills claiming amounts due to him.
50. A member shall not elicit information from Government in an unauthorised manner by inducing a subordinate official to give information which in the course of his normal functions he should not do. Nor shall he encourage any such person to speak to him against his senior officials on matters of public importance and policy.
51. A member shall not write recommendatory letter 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.

General ethical principles with which members should abide.

52. Members must utilise their position to advance general well being of the people.
53. In case of conflict between the personal interest of members and public interest, they must resolve the conflict so that personal interests are subordinated to the duty of their public office.
54. Members shall resolve conflict between private financial interests/family interest and public interest in a manner that the public interest is not jeopardised.
55. Members holding public offices shall use public resources in such a manner as may lead to public good.
56. Members shall keep uppermost in their mind the fundamental duties listed in Part-IVA of the Constitution.
57. Members shall maintain high standards or morality, dignity, decency and values in public life.

PART VII

PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING BREACH OF CODE OF CONDUCT

58. The Presiding Officer or the House, as the case may be, may *suo motu* take up for consideration cases of breach of the Code that have taken place in the House.

59. In other cases the Speaker/Chairman may refer complaints regarding violation of Code of Conduct to Committee on Ethics or in its absence to the Committee of Privileges for examination and report.

PART VIII

PUNISHMENT FOR BREACH OF CODE OF CONDUCT

60. In case of violation of the Code of Conduct the Presiding Officer or the House, as the case may be, can impose any of the following punishment/penalties:—

- (a) Admonition;
- (b) Reprimand;
- (c) Censure;
- (d) Withdrawal from the House;
- (e) Suspension from the service of the House for a specific period; and
- (f) Any other penal action considered appropriate by the House.