

**COMMITTEE ON ETHICS
(SIXTEENTH LOK SABHA)**

1

FIRST REPORT

“Incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha of the rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee and procedure for making ethics complaints.”

[Presented to the Speaker, Lok Sabha on 16 December, 2014]

[Laid on the Table on 18 December, 2014]



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

December, 2014/Agrahayana 1936 (Saka)

COMMITTEE ON ETHICS

(SIXTEENTH LOK SABHA)

FIRST REPORT

“Incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha of the rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee and procedure for making ethics complaints.”

[Presented to the Speaker, Lok Sabha on 16 December, 2014]

[Laid on the Table on 18 December, 2014]



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2014/Agrahayana 1936 (Saka)

CONTENTS

	PAGE
Personnel of the Committee on Ethics	(iii)
Report	1
Minutes	11

PERSONNEL OF THE COMMITTEE ON ETHICS*

(2014-2015)

Shri L.K. Advani - Chairperson

MEMBERS

2. Shri A. Arunmozhithevan
3. Shri Ninong Ering
4. Shri Sher Singh Ghubaya
5. Shri Hemant Tukaram Godse
6. Shri Pralhad Joshi
7. Shri Bhagat Singh Koshyari
8. Shri Arjun Ram Meghwal
9. Shri Bhartruhari Mahtab
10. Shri Kariya Munda
11. Shrimati Jayshreeben Patel
12. Shri Malla Reddy
13. Shri Sumedhanand Saraswati
14. Dr. Bhola Singh (Begusarai)
15. Vacant

Secretariat

1. Shri V.K. Sharma - OSD (VK)
2. Shri V.R. Ramesh - Joint Secretary
3. Shri Ravindra Garimella - Director
4. Dr. Rajiv Mani - Deputy Secretary
5. Shri Bala Guru G. - Under Secretary
6. Dr. Faiz Ahmad - Senior Legislative Assistant

* Constituted on 15 September, 2014 *vide* Bulletin Part –II para No. 660

FIRST REPORT OF COMMITTEE ON ETHICS

(SIXTEENTH LOK SABHA)

I. Introduction

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

2. The Committee at their first sitting held on 29 September, 2014 held preliminary discussion on the nature, scope and ambit of the Committee and took note of the fact that the Rules regarding Constitution of the Committee on Ethics, its functions etc. are yet to be incorporated in the Rules of Procedure and Conduct of Business.

The Committee directed the Secretariat to prepare for their consideration a memorandum regarding Rules relating to constitution of Committee on Ethics, its functions etc. and procedure for making ethics complaints for incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha.

3. At their second sitting held on 11 November, 2014, the Committee considered Memorandum No. 1 on *'Incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha of the rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee*

and procedure for making ethics complaints' containing the proposed draft rules. The Committee after due deliberations, directed the Secretariat to prepare a draft report on the suggested lines for consideration of the Committee at their next sitting.

4. The Committee at its third sitting held on 12 December, 2014 considered the draft report. After detailed deliberations, the Committee adopted the draft and authorized the Chairperson to present the report to the Speaker, Lok Sabha.

II. Observations

5. The Committee acknowledge the efforts made by the predecessor committees for the establishment of an effective Ethics regime to promote transparency and probity in the conduct of the members of the House. The Committee would like to dwell upon the developments since the Committee on Ethics was first constituted in the Thirteenth Lok Sabha on 16 May, 2000 with the following terms of reference:

- "(a) to oversee the moral and ethical conduct of members;
- (b) to examine every complaint relating to unethical conduct of a member in Lok Sabha or connected with his parliamentary conduct referred to it and make such recommendations as it may deem fit; and
- (c) to frame rules specifying acts which constitute unethical conduct.

The Committee may also *suo motu* take up for examination and investigation matters relating to ethics, including matters relating to unethical conduct of a member in Lok Sabha or connected with his/her parliamentary conduct wherever felt necessary and make such recommendations as it may deem fit.”

6. The Committee on Ethics (Thirteenth Lok Sabha) in their First Report, which was laid on the Table of the House on 22 November, 2001 and adopted by the House on 16 May, 2002 *inter alia* recommended that members should abide by general ethical principles which were laid down in the Report in addition to the provisions of the Rules, Directions and Conventions that have evolved over the years. The Committee also recommended broad parameters *vis-a-vis* procedure for making ethics complaints as well as norms with regard to financial disclosures and declaration of interests by members.

7. The Committee on Ethics (Fourteenth Lok Sabha) was also governed by the same terms of reference as laid down at the time of constitution of the Committee during the Thirteenth Lok Sabha.

The matter regarding incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha, the rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee and procedure for making ethics complaints, was referred to the Committee on Ethics (Fourteenth Lok Sabha) by the Speaker. The Committee on Ethics in this regard presented their first Report to the Speaker, Lok Sabha on 24 August, 2006 and was laid on the Table of the House on 25 August, 2006. The Committee recommended that in the Rules of Procedure and Conduct of Business in Lok Sabha, a new Chapter *viz.* Chapter XXA containing provisions regarding 'Procedure for ethics complaints' (Rules 233A, 233B) may be added after Chapter XX of the Rules. The Committee further recommended incorporation in Chapter XXVI of the Rules regarding "Parliamentary Committees" the rules regarding Committee on Ethics (Rules 316A-316E). The Rules recommended by the Committee on Ethics could not, however, be placed before the Rules Committee (Fourteenth Lok Sabha), for their consideration.

8. During the Fifteenth Lok Sabha, the Committee on Ethics was again constituted with the similar terms of reference. The Committee acknowledging the need to put in place the basic provisions took up the unfinished agenda of previous Lok Sabha of getting the Committee a place in the Rules of Procedure and in this regard *vide* their First Report, which was presented to the Speaker on 21 February, 2011 and laid on the Table of the House on 24 February, 2011, *inter alia* again recommended rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee and procedure for making ethics complaints by adding a new Chapter *viz* Chapter XXA containing provision regarding 'Procedure for ethics complaints'. The Committee further recommended incorporation in Chapter XXVI of the Rules regarding "Parliamentary Committees" the rules regarding Committee on Ethics (Rules 316A-316F). The Rules recommended by the Committee on Ethics could not, however, be placed before the Rules Committee (Fifteenth Lok Sabha), for its consideration.

9. During the Sixteenth Lok Sabha, the Committee was constituted with the same terms of reference as in previous Lok Sabhas. The Committee reviewed the efforts during previous Lok Sabhas for making it a permanent Committee of the House. The Committee while appreciating the endeavours of the predecessor Committees observed that the ground realities have not changed and even today it continues to be an *ad-hoc* Committee of the House. The Committee are of the considered view that the Rules regarding constitution of the Committee on Ethics, its functions etc., into the Rules of Procedure and Conduct of Business in Lok Sabha should be incorporated in the first place. This would set right the prevailing anomaly of referring to the Ethics Committee as an *ad-hoc* Committee merely for want of necessary provisions regarding Committee on Ethics in Rules of Procedure and Conduct of Business in Lok Sabha.

10. The Committee have, accordingly, finalized rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee and procedure for making ethics complaints.

III. Recommendations

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

“CHAPTER XXA

Rule 233A. Procedure for ethics complaints

(1) Any person or member may make a complaint relating to unethical conduct of a member in Lok Sabha or connected with his/her parliamentary conduct.

(2) A complaint shall be addressed to the Speaker, who may forward it to the Chairperson, Committee on Ethics for examination, investigation and report.

(3) The complainant must declare the identity and submit supporting evidence, documentary or otherwise to substantiate the allegations.

(4) It shall be incumbent upon the complainant to ensure that the complaint is not false, frivolous or vexatious and is made in good faith. An affidavit to this effect shall accompany the complaint:

Provided that in case the complaint is made by a member, an affidavit shall not be required.

(5) The identity of the complainant would be kept secret, if a request to that effect made by the complainant is accepted by the Speaker, for sufficient reasons.

(6) A complaint based merely on unsubstantiated media reports shall not be entertained.

(7) The Committee on Ethics may also *suo motu* take up for investigation matters related to unethical conduct of members, wherever felt necessary.

(8) The Committee on Ethics shall not take up any matter which is *sub-judice* and the decision of the Committee as to whether such matter is or is not *sub judice* shall for the purposes of these rules be treated as final.

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

Notwithstanding anything contained in these rules, the Speaker may refer any question involving unethical conduct of a member in Lok Sabha or connected with his/her parliamentary conduct to the Committee on Ethics for examination, investigation and report".

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

"CHAPTER XXVI

COMMITTEE ON ETHICS

Constitution

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

Functions

316B. (1) The Committee shall:-

- (a) oversee the moral and ethical conduct of members;
- (b) examine every complaint relating to unethical conduct of a member in Lok Sabha 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 of a member in Lok Sabha or connected with his parliamentary conduct wherever felt necessary and make such recommendations as it may deem fit.

Procedure

316C. (1) On a matter being referred to the Committee or on a matter being taken up by the Committee *suo motu*, the Committee shall conduct preliminary inquiry:

Provided that if the Committee takes up a matter *suo motu*, the Chairperson shall intimate the Speaker accordingly.

(2) If the matter has been referred to the Committee by the Speaker and the Committee, after a preliminary inquiry, is of the opinion that there is no *prima facie* case, it may recommend that the matter may be dropped.

(3) If the matter has been taken up by the Committee *suo motu* and the Committee after preliminary inquiry is of the opinion that there is no *prima facie* case, it may decide to drop the matter and the Chairperson shall intimate the Speaker accordingly.

(4) If the Committee is of the opinion that there is a *prima facie* case, the Committee shall take up the matter for further examination.

(5) The Committee may lay down procedure, from time to time for examination of matters referred to it.

Report

316D. (1) The recommendations of the Committee shall be presented in the form of a report.

(2) If the matter has been referred to the Committee by the Speaker, the report shall be presented to the Speaker who may direct that the report be laid on the Table of the House.

(3) If the matter has been taken up *suo motu* by the Committee, the report shall be presented to the House.

(4) 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.

Consideration of report by House

316E. (1) After the report has been presented, the Chairperson or any member of the Committee or any other member may move that the report be taken into consideration whereupon the Speaker may put the question to the House.

(2) Before putting the question to the House, the Speaker may permit a debate on the motion, not exceeding half an hour in duration, and such debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report by the House.

(3) After the motion made under sub-rule (1) is agreed to, the Chairperson or any member of the Committee or any other member, as the case may be, may

move that the House agrees, or disagrees or agrees with amendments, with the recommendations contained in the report.

Priority for consideration of report by House

316F. A motion that the report of the Committee be taken into consideration shall be put down in the List of Business after disposal of questions."

**New Delhi
December, 2014**

**L. K. ADVANI
Chairperson,
Committee on Ethics**

MINUTES

MINUTES OF THE FIRST SITTING OF THE COMMITTEE ON ETHICS

The Committee sat on Monday, 29 September, 2014 from 1100 hrs. to 1140 hrs. in Room No. 62, Parliament House, New Delhi.

PRESENT

Shri L.K Advani - Chairperson

2. Shri Ninong Ering
3. Shri Sher Singh Ghubaya
4. Shri Hemant Tukaram Godse
5. Shri Pralhad Joshi
6. Shri Bhagat Singh Koshyari
7. Shri Arjun Ram Meghwal
8. Shri Bhartruhari Mahtab
9. Shri Kariya Munda
10. Smt. Jayshreeben Patel
11. Shri Malla Reddy
12. Shri Sumedhanand Saraswati
13. Dr. Bholu Singh (Begusarai)

LOK SABHA SECRETARIAT

1. Shri V. K. Sharma - OSD (VK)
2. Shri V. R. Ramesh - Joint Secretary
3. Shri Ravindra Garimella - Director
4. Dr. Rajiv Mani - Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed the members of the Committee at its first sitting in 16th Lok Sabha. He informed the Committee about

origin and history of Committee on Ethics in the Parliament and the work done by the Ethics Committee of both the Houses till date. Chairperson also briefly apprised the members regarding the remit of the Committee and critical importance which the committee has, in putting in place a well laid out ethical regime for the members of the Parliament. He drew attention of the Committee to the two detailed notes viz (i) origin and history of Ethics Committee in India; and (ii) work done by the Committee on Ethics, Rajya Sabha and the position prevailing in many Parliaments vis a vis Committee on Ethics and code of conduct, circulated by the Secretariat for perusal of the Members in this regard. He informed the Committee of its *ad-hoc* status despite repeated attempts made in this regard *vide* recommendations made by the predecessor Committee on Ethics. However, these recommendations could not be considered by the Rules Committee of the House. As a result, the Committee does not find a mention in the Rules of Procedure and Conduct of Business.

3. After due deliberations the Committee were of the considered view that before going further on the matter with regard to the setting up an Ethical regime for Members; preparing a Code of Conduct and deliberating on registrable interests of Members and related issues, it would be essential to put relevant Rules in place. Hence it would first be appropriate to get incorporated the rules regarding constitution of the Committee on Ethics, its functions etc., in the Rules of Procedure and Conduct of the Business in Lok Sabha.

The Committee decided to take up this agenda on priority. The Secretariat was accordingly directed to take requisite action for preparing a memorandum for the consideration of the Committee with regard to the “incorporation in the Rules of Procedure and Conduct in Business in Lok Sabha all the rules regarding constitution of the Committee on Ethics, its function and procedure to be followed by the Committee on procedure for making ethics complaints.”

4. Thereafter the Committee also took a note of the work done by Ethics Committee Rajya Sabha with regard to the members' interests as well as declaration of interests. The Committee directed the Secretariat to collate and circulate to all the members of the Committee.

- (i) all the relevant information with regard to the work done by the Committee on Ethics Rajya Sabha till date;
- (ii) the position obtaining with regard to the Ethics Committee in various State Legislatures and work done by them till date; &
- (iii) position obtaining with regard to the Ethical regimes wherever set up; registrable interests and information with regard to the Committee on Ethics or Standards existing in Foreign Parliaments.

5. The Committee decided to take up the matter with regard to incorporation of the rules regarding ethics Committee in their next sitting(s) and thereafter take up other related matters in due course at regular intervals.

(The Committee then adjourned)

MINUTES OF THE SECOND SITTING OF THE COMMITTEE OF ETHICS

The Committee sat on Monday, 11 November, 2014 from 1130 hrs. to 1220 hrs. in Room No. 139, Parliament House Annexe, New Delhi.

PRESENT

Shri L.K. Advani – Chairperson

2. Shri A. Arunmozhithevan
3. Shri Sher Singh Ghubaya
4. Shri Bhagat Singh Koshyari
5. Shri Arjun Ram Meghwal
6. Shri Bhartruhari Mahtab
7. Shri Kariya Munda
8. Shri Malla Reddy
9. Shri Sumedhanand Saraswati
10. Dr. Bholu Singh (Begusarai)

LOK SABHA SECRETARIAT

1. Shri V. R. Ramesh - Joint Secretary
2. Shri Ravindra Garimella - Director
3. Dr. Rajiv Mani - Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed the members to the sitting. The Committee took up for discussion the Memorandum No. 1 relating to 'Incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha of the rules regarding constitution of a Committee on Ethics, its functions and

procedure to be followed by the Committee and procedure for making ethics complaints.' Hon'ble Chairperson by measure of recall drew the attention of the members to the earlier two detailed notes circulated by the Secretariat on (i) origin and History of Ethics Committee in India and (ii) work done by the Committee on Ethics, Rajya Sabha. The Committee could benefit itself while perusing the Memorandum.

3. The members pointed out that despite attempts by the predecessor Committees, the Committee continues to be of *ad-hoc* nature. Hence the imperative need for urgent incorporation of Rules regarding constitution of Committee on Ethics, functions and procedure for making ethics complaints in the Rules of Procedure and Conduct of Business in Lok Sabha. This could be followed by framing of a Code of Conduct for members and other ethics related matters such as Register of Members' Interests etc.

4. After deliberations upon the Memorandum, the Chairperson requested the members to give their suggestions in writing also, if they so desired. The Committee, thereafter, directed the Secretariat to put up a Draft Report on the subject 'Incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha of the rules regarding constitution of a Committee on Ethics, its functions and procedure to be followed by the Committee and procedure for making ethics complaints' for its consideration at the next sitting.

(The Committee then adjourned)

MINUTES OF THE THIRD SITTING OF THE COMMITTEE OF ETHICS

The Committee sat on Monday, 12 December, 2014 from 1500 hrs. to 1520 hrs. in Committee Room E, Parliament House Annexe, New Delhi.

PRESENT

Shri L.K. Advani – Chairperson

2. Shri Ninong Ering
3. Shri Sher Singh Ghubaya
4. Shri Hemant Tukaram Godse
5. Shri Bhagat Singh Koshyari
6. Shri Kariya Munda
7. Smt. Jayshreeben Patel
8. Shri Sumedhanand Saraswati

LOK SABHA SECRETARIAT

1. Shri Ravindra Garimella - Director
2. Dr. Rajiv Mani - Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed the members. The Committee took up for consideration the draft First Report of the Committee on Ethics regarding incorporation in the Rules of Procedure and Conduct of Business in Lok Sabha of the rules regarding constitution of Committee on Ethics, functions of the Committee and procedure to be followed by the Committee and procedure for making ethics complaints.

The Committee, after some deliberations, adopted the report and authorised the Hon'ble Chairperson to present it to the Hon'ble Speaker.

(The Committee then adjourned)