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COMMITTEE OF PRIVILEGES

THIRTEENTH LOK SABHA

FIRST REPORT

(Presented to Speaker on 4 April, 2000)

(Laid on the Table on 18 April, 2000)



**LOK SABHA SECRETARIAT
NEW DELHI**

April, 2000/Chaitra, 1922 (Saka)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(13TH LOK SABHA)

Shri S. Jaipal Reddy — *Chairman*

MEMBERS

2. Shri Raashid Alvi
3. Shri Sudip Bandyopadhyay
4. Shri Ram Singh Kaswan
5. Shri Rattan Lal Kataria
6. Shri Bhartruhari Mahtab
7. Shri Ram Nagina Mishra
8. Shri Mudragada Padmanabham
9. Shri S.S. Palanimanickam
10. Shri Chandresh Patel
11. Shri Shivraj V. Patil
12. Shri Varkala Radhakrishnan
13. Sardar Buta Singh
14. Kunwar Akhilesh Singh
15. Shri Vaiko

SECRETARIAT

1. Shri S.C. Rastogi — *Joint Secretary*
2. Shri V.K. Sharma — *Deputy Secretary*
3. Shri Abhijit Kumar — *Under Secretary*
4. Shri Ravindra Garimella — *Assistant Director*

FIRST REPORT OF THE COMMITTEE OF PRIVILEGES (THIRTEENTH LOK SABHA)

I. Introduction and Procedure

1. The Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their First Report to the Speaker on the issue of 'Constitution of Ethics Committee in Lok Sabha'.

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 27 January, 2000 the Committee took note of recommendation regarding renaming of the Committee of Privileges as Committee on Ethics and Privileges made by the Committee of Privileges (Eleventh Lok Sabha) in their Report on 'Ethics, Standards in Public Life, Privileges, Facilities to members and other related matters'. The Committee decided to consider this matter in detail at the next sitting.

4. At their second sitting held on 11 February, 2000 the Committee deliberated upon the matter and arrived at their conclusions.

II. Facts of the case

5. The Committee of Privileges (Eleventh Lok Sabha) adopted their report¹ on 'Ethics, Standards in Public Life, Privileges, facilities to members and other related matters'² on 7 November, 1997. As the House was not in session, the then Chairman, Committee of Privileges (Dr. Mallikarjun) presented the report to the Speaker (Eleventh Lok Sabha). However before the report could be presented to the House, the Eleventh Lok Sabha was dissolved on 4 December, 1997. A copy of the report (both Hindi and English versions) was laid on the Table of the House by the Secretary-General on 28 March, 1998. (Twelfth Lok Sabha).

6. This Report covered in detail the various facets of Parliamentary privileges and more particularly, the ethical matters. The pivotal recommendation in the Report was that the Committee of Privileges be renamed as the 'Committee on Ethics and Privileges' for dealing with both ethics and privilege related matters.

7. The Committee of Privileges (Twelfth Lok Sabha) with the permission of Speaker took up consideration of follow up action on Ethics Report of the Committee of Privileges (Eleventh Lok Sabha).

¹ See Appendix for highlights of the recommendations.

² Hereinafter referred to as Ethics Report.

8. On 4 and 5 February, 1999, the Committee of Privileges heard the views of the Secretaries of Ministries of Programme Implementation, Home Affairs, Law and Justice, Parliamentary Affairs; and Departments of Personnel and Rural Employment and Poverty Alleviation, on the aspect of follow up action on various recommendations pertaining to the Government of India in the Ethics Report. Thereafter as desired by the Committee, the Ministries of Home Affairs, Parliamentary Affairs, Personnel, PG & Pensions, Rural Areas and Development and Department of Programme Implementation furnished their comments/ views in the matter. Besides as desired by Speaker (Twelfth Lok Sabha), the Secretariat also initiated follow up action with respect to amendments to Rules of Procedure and Conduct of Business in Lok Sabha to give effect to the recommendations made in the Ethics Report regarding renaming of the Committee of Privileges as 'Committee on Ethics and Privileges' and procedure for making ethics complaints. However, in the meantime, Twelfth Lok Sabha was dissolved on 26 April, 1999.

9. As a consequence, the recommendations made in the Ethics Report could not be considered.

10. The fact that the recommendations made by the Committee of Privileges (Eleventh Lok Sabha) in their Ethics Report could not be considered by Speaker/House due to premature dissolutions of Eleventh & Twelfth Lok Sabha was brought to the notice of the Committee of Privileges, (Thirteenth Lok Sabha) at their first sitting held on 27 January, 2000. The Committee felt that keeping in view the painstaking efforts put in by the predecessor Committees in this regard, it was necessary that they took up this unfinished task to bring it to a logical conclusion.

11. Accordingly, the Committee took up the matter for consideration.

III Findings and Conclusions

12. Before dwelling further upon the matter, the Committee wish to emphasise that it is not their intention to carry out any critical review of recommendations made in the Ethics Report by the Committee of Privileges (Eleventh Lok Sabha). On the contrary the Committee note with appreciation that the Ethics Report was quite comprehensive and had tackled in a lucid manner various ethics related matters.

13. With a view to ensuring that a Committee comes into being for dealing with Ethics matters in Lok Sabha, without any further delay, the Committee seek to reconsider the predecessor Committee's recommendations regarding renaming the Committee of Privileges as Committee on Ethics and Privileges.

14. It is but natural for the Committee to take note of the formation of a separate Ethics Committee in Rajya Sabha in the meanwhile, which has the distinction of being the first ever Ethics Committee in the history of Indian Legislative Bodies.

15. The Committee further note that Andhra Pradesh and Orissa Legislative Assemblies opted for separate Ethics Committees as in Rajya Sabha.

16. In view of the aforesaid developments and the well established tradition that both Houses of Parliament adopt a uniform pattern of functioning, the Committee feel the need to review the recommendation made earlier.

IV. Recommendation

17. The Committee, without any prejudice to the recommendations contained in the Ethics Report of their predecessor Committee, recommend that a separate Ethics Committee be constituted in Lok Sabha as well.

NEW DELHI;
March, 2000

Chaitra, 1922 (Saka)

S. JAIPAL REDDY,
Chairman,
Committee of Privileges.

M I N U T E S

FIRST SITTING OF THE COMMITTEE OF PRIVILEGES HELD ON
THURSDAY, 27 JANUARY, 2000

The Committee sat from 13.02 hrs. to 14.15 hrs.

PRESENT

Shri S. Jaipal Reddy— *Chairman*

MEMBERS

2. Shri Raashid Alvi
3. Shri Ram Singh Kaswan
4. Shri Rattan Lal Kataria
5. Shri Bhartruhari Mahtab
6. Shri Ram Nagina Mishra
7. Shri S.S. Palanimanickam
8. Shri Shivraj V. Patil
9. Kunwar Akhilesh Singh
10. Shri Vaiko
11. Shri Varkala Radhakrishnan

SECRETARIAT

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

At the outset, the Chairman, Committee of Privileges extended a warm welcome to the members of the Committee and made a brief mention of the constitutional provisions pertaining to parliamentary privileges. The Chairman thereafter, broached upon the Report of the Committee of Privileges (Eleventh Lok Sabha) relating to "Ethics, Standards in Public Life, Privileges, Facilities to members and other related matters", and informed the members that the pivotal recommendation of the Committee regarding renaming of the Committee of the Privileges as the 'Committee on Ethics and Privileges' had not yet been implemented.

2. In this context the Chairman observed that of late a view had been emerging that there should be a separate Committee of Ethics. The Chairman also observed that since the recommendation about renaming the Committee of Privileges as Committee on Ethics and Privileges was made by a predecessor Committee, it would be in the fitness of things if any proposals of the contrary were placed before the Committee of Privileges for their consideration.

3. Members expressed their views.

4. The Chairman directed the Secretariat to circulate to all members, copies of Ethics Report and all other connected material.

5. The Committee decided to meet again on Friday 11 February, 2000 to deliberate upon the matter.

(The Committee then adjourned)

SECOND SITTING OF THE COMMITTEE OF PRIVILEGES HELD
ON FRIDAY, 11 FEBRUARY, 2000

The Committee sat from 15.00 hrs. to 16.15 hrs.

PRESENT

Shri S. Jaipal Reddy — *Chairman*

MEMBERS

2. Shri Raashid Alvi
3. Shri Sudip Bandyopadhyay
4. Shri Rattan Lal Kataria
5. Shri Bhartruhari Mahtab
6. Shri Ram Nagina Mishra
7. Shri Shivraj V. Patil
8. Shri Varkala Radhakrishnan
9. Sardar Buta Singh
10. Kunwar Akhilesh Singh

SECRETARIAT

Shri S.C. Rastogi — *Joint Secretary*
Shri Abhijit Kumar — *Under Secretary*
Shri Ravindra Garimella — *Assistant Director*

The Committee took up for consideration memorandum No. 1 regarding recommendation to rename the Committee of Privileges as 'Committee on Ethics and Privileges' made by the Committee of Privileges (11 LS) in their Report on 'Ethics, Standards in Public Life, Privileges, Facilities to members and other related matters'. Chairman after giving a brief outline of the matter under consideration, observed that recommendations made by the Committee in their comprehensive Report were sound, but owing to some further developments, the recommendation *re.* renaming the Committee, needed reconsideration. The Chairman then sought the views of the members in this regard.

2. Members expressed their views.

3. After due deliberation, a view emerged that the jurisdiction of the Ethics Committee is very wide and goes beyond the assigned role of the Committee of Privileges. The recommendations made by Committee of Privileges (11 LS) though having persuasive value, were not binding on the Speaker, Lok Sabha. The Committee felt that it was the well established tradition that both Houses adopt a uniform pattern of functioning. Since Rajya Sabha has a separate Ethics Committee and the same has been working well, it would be in the fitness of things if Lok Sabha too had a separate Ethics Committee.

4. The Committee, therefore, decided that it would be appropriate to recommend for constitution of a separate Ethics Committee in Lok Sabha.

5. The Committee authorised the Chairman to present a Report recommending the above course of action to the Hon'ble Speaker, Lok Sabha.

(The Committee then adjourned)

A P P E N D I X

APPENDIX

[See para 5 of the Report]

HIGHLIGHTS OF RECOMMENDATIONS MADE IN THE REPORT OF COMMITTEE OF PRIVILEGES ON 'ETHICS, STANDARDS IN PUBLIC LIFE, PRIVILEGES, FACILITIES TO MEMBERS AND OTHER RELATED MATTERS'

The conclusions made by the Committee in the Report have been categorised under three heads Ethics/Standards; Obligations; and Privileges and Facilities. The salient features of the recommendations/conclusions made in the Report are mentioned hereunder :

Sl. No.	Para No.	Recommendations
1	1.	ETHICS/STANDARDS <i>Ethics Committee-Suggested Models</i> Committee of Privileges may be renamed as the Committee on Ethics and Privileges. Members of the Committee may be appointed by Hon'ble Speaker on the basis of their standing/experience, general reputation and suitability and not necessarily on the basis of proportionate strength of the parties or on the basis of party nominations.
2.	2	<i>Procedure</i> (a) An ethics complaint against a member may addressed to Hon'ble Speaker who may forward it to the Chairman, Committee on Ethics and Privileges. (b) Any person may make such a complaint to Hon'ble Speaker. (c) Complainant to ensure that the complaint is not false, frivolous, vexatious and made in good faith. (d) Ethics complaint against Hon'ble Speaker to be made to HDS who may forward it to the Chairman, Committee on Ethics and Privileges. (e) House may also refer complaints relating to unethical conduct of members on a motion to the Committee on Ethics and Privileges for examination and report. (f) Committee is also empowered to take up investigations re. matters relating to ethics and breach of Privilege and Contempt of the House <i>suo motu</i> .

Sl. No.	Para No.	Recommendations
3.	8	<p>Complaints in P.C.A. involvement of Lokpal etc.</p> <p>Lokpal may be empowered to deal only with complaints which fall under the provisions of the Prevention of Corruption Act, 1988. The proposed procedure for investigation of complaints under P.C.A. is as under:—</p> <p>(a) Complaints under PCA may be filed with Lokpal either directly or through the Committee on Ethics and Privileges or may be referred by the Chairman of the Committee to the Lokpal for investigation and report.</p> <p>(b) Complaints under PCA where filed with the Committee, the same may be straightaway referred by the Chairman to Lokpal for investigation and report.</p> <p>(c) After due investigation of such complaints Lokpal may forward its report and findings to Speaker, Lok Sabha.</p> <p>(d) The Committee on Ethics and Privileges may report back to Speaker with suggestions for action on such matter.</p> <p>(e) The Speaker may then cause the report of the Lokpal with due suggestions for action made thereon by the Committee to be laid on the Table of the House.</p>
		<p>[These proposals require suitable amendments in the Lokpal Bill, 1996]</p>
		<p>[Lokpal Bill, 1998 did not incorporate these proposals]</p>
4.	9	<p>All other ethics related complaints may be solely dealt with by the Committee on Ethics and Privileges.</p>
5.	11	<p>Electoral expenses</p> <p>(i) Ceiling limit of election expenses for Members of Parliament be raised to Rs. 15 lakhs immediately and thereafter it may be revised after every five years.</p> <p>(ii) Accurate election returns be filed and a machinery be set up for verification of these returns.</p> <p>(iii) There should be a provision for mandatory declaration of all donations/financial assistance received by Members of Parliament/political parties at the time of election.</p>

Sl. No.	Para No.	Recommendations
6.	12	Criminalisation of politics Need for comprehensive electoral reforms on the basis of all party deliberations and suitable modifications in the R.P. Act, 1951.
7.	13	Anti-Defection Law Need for a threadbare review of the Anti-Defection Law and measures by Government for bringing suitable amendments in the Law.
PART II OBLIGATIONS		
8.	22	Code of Conduct Need for evolution of a definitive Code of Conduct. The same be placed before the House for deliberation and adoption. The Code of Conduct may cover suggestions re. (i) administering of the Code; (ii) complaints in respect of breach of the Code; (iii) sanctions for violations of the Code.
9.	23—26	Attendance in Lok Sabha and Committee Sitzings. Claiming of daily allowance without attending the House is immoral and unethical. Hence, existing practice of daily signature in attendance register as required under the provision of the Salaries, Allowances and Pension of Members of Parliament Act, 1954, may continue. However, the statutory provisions in the said Act have to be viewed in the right perspective taking into account the spirit of the Law. Therefore, in certain circumstances/ exceptional cases, where a member inadvertently forgets to sign the attendance register, but nevertheless attends the House, in all fairness his claim for daily allowance should be considered, subject to production of tangible proof of attendance.
10.	28—32	Financial Disclosures/Declaration of Interests (i) It may be made mandatory for each Member of Lok Sabha to disclose his/her income, assets and liabilities. Financial disclosure statements may be filed by each member after election to Lok Sabha. Whenever, any change occurs, revised forms be filed.

Sl. No.	Para No.	Recommendations
		(ii) A Register of Members' Interests be maintained in Lok Sabha Secretariat and also with the office of the Committee on Ethics and Privileges.
		(iii) Guidelines in respect of Gifts and Hospitality be formulated.
		(iv) Rules/Guidelines of financial disclosures and declaration of pecuniary interests be framed and incorporated in the Rules of Procedure and Conduct of Business in Lok Sabha.
11.	34	<i>Constituency responsibilities</i> A mechanism be evolved for Member—constituent interaction. For this purpose a Voters' Council be constituted at constituency level through a statutory enactment. All related matters may be sorted out at the party leaders' meetings.
	35	<i>Lobbying</i> The practice of lobbying by various groups for influencing the Parliamentary Conduct of Legislators' needs to be checked. Hence, certain regulations in this respect need to be laid down at the time of formulation of guidelines for declaration of interests.
		III. PRIVILEGES AND FACILITIES
12.	37	<i>MPLADS & Other Welfare Schemes</i> (a) Revised guidelines re. MPLADS be framed and scrupulously be implemented. (b) Orientation programmes as provided in guideline No. 5.7 of the MPLAD Scheme (December, 1996) be organised periodically. (c) Monitoring system be evolved for effective implementation of Members' Schemes under the MPLADS. (d) A mechanism be devised for facilitating active role for Members in various centrally sponsored welfare schemes.
13.	38	<i>Warrant of Precedence</i> Members of Parliament may be positioned at Sl. No. 15 in the Warrant of Precedence in order to accord the rightful status due to them.

Sl. No.	Para No.	Recommendations
14.	39	<p>Official dealings between the Members & the Administration Guidelines thereof.</p> <p>(a) Central Government guidelines be immediately revised with a provision for appropriate action against officials for their deliberate breach of violation.</p> <p>(b) Members' letter to the Executive functionaries be invariably acknowledged and duly signed replies by the addresses be sent in time.</p> <p>(c) Cases of breaches/violations of these guidelines be taken up by the Committee on Ethics and Privileges for examination investigation and report.</p>
15.	40	<p>Protocol Norms</p> <p>Union Government guidelines/instructions re. protocol norms be strictly adhered to. Any violation of these norms may be taken up by the Committee on Ethics and Privileges for examination and report.</p>
16.	43	<p>Facilities</p> <p>(i) Periodical review of the existing salary, allowances and facilities and provision of latest communication/computer services to Members.</p> <p>(ii) Provision of office accommodation to Members both in Delhi and in the constituency headquarters, with personal staff, stationery, Fax, photocopying franking machine and other equipment.</p> <p>(iii) Restoration of quotas of gas connections and telephones which was discontinued some time ago. As the Rajya Sabha continues to give these facilities to its Members. [Since done]</p> <p>(iv) Provision of transport facilities for Members in their official tours in their constituencies, as is being done in States like in Karnataka, Maharashtra and Madhya Pradesh.</p>

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