

COMMITTEE ON ETHICS

Introduction

The genesis of formation of Ethics Committee in Parliament can be traced to a resolution adopted at the Presiding Officers Conference held in New Delhi in October, 1996 which desired the legislatures to explore the possibility of constituting Ethics Committee. It is in pursuance of this resolution that endeavour for setting up of Ethics Committee in Indian Legislatures began in right earnest.

2 The Ethics Committee, Rajya Sabha, the first such Committee by any legislature in India was constituted by the Chairman, Rajya Sabha on 4 March 1997, to oversee the moral and ethical conduct of the Members and to examine the cases referred to it with reference to ethical and other misconduct of Members. It was provided that in all respects of procedure and other matters, the rules applicable to the Committee of Privileges shall apply to the Ethics Committee with such variations and modifications as the Chairman, Rajya Sabha may, from time to time, make. The Committee was inaugurated by the then Vice-President of India and the Chairman of Rajya Sabha, Shri K.R. Narayanan, on 30 May 1997.

3 As regards the Lok Sabha is concerned, the Committee of Privileges during the 11th Lok Sabha constituted a Study Group on 31 January, 1997 for undertaking study of Parliamentary Privileges, Ethics and related matters. The Study Group visited Australia, United Kingdom and United States America to study the position obtaining in these countries regarding matters pertaining to ethics and standards of conduct of Members etc. Later it finalized its report covering in detail the various facets of Parliamentary Privileges and more particularly ethical matters. The Committee also attended the symposium at the Presiding Officers Conference at Shimla on 23 October, 1997 on the subject 'Need for Constitution of the Ethics Committees in Legislatures in India.'

However, before the report could be laid at the Table of the House, the 11th Lok Sabha was dissolved on 4 December, 1997. The report was subsequently laid at the Table during the 12th Lok Sabha on 28 March, 1998. The Committee of Privileges in 12th Lok Sabha took up for consideration the follow up action of the

above report. However, the 12th Lok Sabha also was dissolved on 26 April, 1999. As a consequence, the recommendation made in the Ethics Related Report could not be taken to a logical conclusion. Again in the 13th Lok Sabha, the un-finished agenda was brought to the notice of the Committee of Privileges. The Committee without any prejudice to the earlier recommendations made in the 11th Lok Sabha, recommended that a separate Ethics Committee be constituted in Lok Sabha. This report was presented to the Speaker on 4 April, 2000 and was laid on the Table on 18 April, 2000. In pursuance thereof, the Speaker 13th Lok Sabha (Late Shri G.M.C. Balayogi) constituted the first Ethics Committee in Lok Sabha on 16 May, 2000 with the following terms of reference namely:-

- (a) to oversee the moral and ethical conduct of the Members; and
- (b) to examine the cases referred to it with reference to ethical and other misconduct of the Members.

4 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.

5 The Committee on Ethics (Fourteenth Lok Sabha) was also governed by the same terms of reference as laid down initially 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.

6 During the Fifteenth Lok Sabha, the Committee on Ethics was again constituted with the similar terms of reference. The Committee 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-316E). The Rules recommended by the Committee on Ethics could not, however, be placed before the Rules Committee (Fifteenth Lok Sabha), for its consideration.

7 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 took a 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 the Ethics Committee as an *ad-hoc* Committee merely for want of necessary provisions in Rules of Procedure and Conduct of Business in Lok Sabha.

The Committee accordingly in their first report 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*” had recommended 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 and further recommended that in Chapter XXVI of the Rules regarding Parliamentary Committees, rules relating to constitution, function and procedure of the Committee may be added.

8. The Report of Ethics Committee was presented to Speaker, Lok Sabha on 16 December, 2014 and laid on the Table of the House on 18 December, 2014. Thereafter a Memorandum on the subject was forwarded to the Rules Committee for further necessary action.

9. As per procedure the Memorandum was taken up for examination by the Rules Committee. The Rules Committee constituted a Sub-Committee to examine the proposed rules in detail and submit their recommendations for consideration of the whole Committee.

10. The Sub-Committee's recommendation were agreed to by the whole Rules Committee. The recommendations suggested for certain modifications in the rules as recommended by the Committee on Ethics and also proposed certain new provisions from its side. The Second Report of the Rules Committee (16th Lok Sabha) was laid on the Table of the House on 5 August, 2015. On completion of the 7 days period of laying, the amendments proposed in the Rules were approved by the Lok Sabha and have come into force *w.e.f.* 12 August, 2015. [**Bulletin Part-II No. - 2296 dated - 14 August, 2015**]

New Rules 233A, 233B under new Chapter XXA and new rules 316A, 316B, 316C, 316D, 316E, and 316F

After rule 233 in Chapter XX, the following new rules under new Chapter XXA and shall be inserted, namely :-

"CHAPTER XXA

ETHICS

Procedure for ethics complaints

233A (1) Any person or member may make a complaint relating to unethical conduct of a member of Lok Sabha.

Provided that if a complaint is made by any person, it shall be forwarded by a member.

(2) A complaint shall be made in writing and addressed to the Speaker, who may refer 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 any person who has made 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.

In case the complaint is made by a member, it shall be incumbent upon such member to ensure that the complaint is not false, frivolous or vexatious and is made in good faith. An affidavit shall not be required in case the complaint is made by a member.

(5) Every complaint shall be couched in respectful and temperate language.

(6) Every complaint shall be either in Hindi or English. If any complaint in any other Indian language is made, it shall be accompanied by a translation either in Hindi or English and signed by the complainant.

(7) Every complaint made by any person shall be countersigned by the member forwarding the complaint to the Speaker.

(8) The identity of the complainant would be kept secret, if a request to that effect is made by the complainant.

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

(10) 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.

Power of Speaker to refer a question of ethical and other misconduct to the Committee

233B. Notwithstanding anything contained in these rules, the Speaker may refer any question involving unethical conduct of a member in Lok Sabha to the Committee on Ethics for examination, investigation and report."

After rule 316, the following new rules under new heading "Committee on Ethics" shall be inserted, namely :-

"COMMITTEE ON ETHICS

Constitution **316A.** (1) There shall be a Committee on Ethics consisting of not more than fifteen members.

(2) The Committee shall be nominated by the Speaker and shall hold office for a term not exceeding one year.

Functions **316B.** The Committee shall:-

- (a) examine every complaint relating to unethical conduct of a member of Lok Sabha referred to it by the Speaker and make such recommendations as it may deem fit.
- (b) formulate a Code of Conduct for members and suggest amendments or additions to the Code of Conduct from time to time.

Procedure

316C. (1) On a matter being referred to the Committee, a preliminary inquiry shall be conducted by the Committee.

(2) If 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 and the Chairperson shall intimate the Speaker accordingly.

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

(4) 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) The report shall be presented to the Speaker who may direct that the report be laid on the Table of the House.

(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.

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.

(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."

In terms of the above Rules the Committee on Ethics has been reconstituted by Speaker *w.e.f.* 12 August, 2015. [**Bulletin Part-II No. - 2296 dated - 14 August, 2015**]