

COMMITTEE ON ETHICS

286. Committee on Ethics

There shall be a Committee on Ethics.

287. Constitution

- (1) The Chairman shall, from time to time, nominate a Committee on Ethics consisting of ten members.
- (2) The Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.
- (3) Casual vacancies in the Committee shall be filled by the Chairman.

288. Chairman of Committee

- (1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee.
- (2) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place.
- (3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

289. Quorum

The quorum of the Committee shall be five.

290. Functions

The Committee shall have the following functions, namely:-

- (a) to oversee the moral and ethical conduct of members;
- (b) to prepare a Code of Conduct for members and to suggest amendments or additions to the Code from time to time in the form of reports to the Council;

(c) to examine cases concerning the alleged breach of the Code of Conduct by members as also cases concerning allegations of any other ethical misconduct of members; and

(d) to tender advice to members from time to time on questions involving ethical standards either *suo motu* or on receiving specific requests.

291 Power to take evidence or call for papers, records or documents

(1) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered relevant and necessary for the discharge of its duties;

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman whose decision shall be final.

(2) Subject to the provisions of this rule, a witness may be summoned by the Committee and he shall produce such documents as are required for the use of the Committee;

(3) It shall be in the absolute discretion of the Committee to treat any evidence, oral or documentary, tendered before it as secret or confidential.

292. Information to be furnished by members

Every member shall be required to furnish information within ninety days of his making and subscribing an oath or affirmation under article 99 of the Constitution, relating to his own assets and liabilities as well as the assets and liabilities of his immediate family members namely, spouse, dependent daughters and dependent sons, as provided in the rules framed under Section 75A of the Representation of the People (Third Amendment) Act, 2002.

29. Register of members' interest

(1) There shall be maintained a 'Register of members' interests' in such form as may be determined by the Committee which shall be available to members for inspection on request.

(2) The register shall be maintained under the authority of the Council.

(3) Information contained in the Register may be given to the general public in accordance with such rules and procedures as may be determined by the Committee from time to time.

294. Declaration of interests

(1) Whenever a member has a personal or specific pecuniary interest (direct or indirect) in a matter being considered by the Council or a Committee thereof, he shall declare the nature of such interest notwithstanding any registration of his interests in the Register, and shall not participate in any debate taking place in the Council or its Committees before making such declaration.

(2) On a division in the Council if the vote of a member is challenged on the ground of personal, pecuniary or direct interest in the matter to be decided, the Chairman may, if he considers necessary, call upon the member making the challenge to state precisely the grounds of his objection, and the member whose vote has been challenged shall state his case, and the Chairman shall then decide whether the vote of the member should be disallowed or not and his decision shall be final:

Provided that the vote of a member is challenged immediately after the division is over and before the result is announced by the Chairman.

Explanation : For the purposes of this rule the interest of the member should be direct, personal or pecuniary and separately belong to the person whose vote is questioned and not in common with the public in general or with any section thereof or on any matter or State policy.

295. Procedure for making complaint

(1) Any person may make a complaint to the Committee regarding alleged unethical behaviour or breach of the Code of Conduct by a member or alleged incorrect information of a member's interests.

(2) The Committee may also take up matters *suo motu*.

(3) Members may also refer cases to the Committee.

(4) A complaint should be addressed in writing to the Committee or to an officer authorized by it in such form and manner as the Committee may specify.

- (5) The complaint shall be couched in temperate language and be confined to facts.
- (6) A person making a complaint must declare his identity and submit supporting evidence, documentary or otherwise to substantiate his allegations.
- (7) The Committee shall not disclose the name of the complainant, if so requested and if the request is accepted by the Committee for sufficient reasons.
- (8) A complaint based merely on an unsubstantiated media report shall not be entertained.
- (9) The Committee 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 this rule be treated as final.

296. Procedure for inquiry

- (1) If the Committee is satisfied that the complaint is in proper form and the matter is within its jurisdiction, it may take up the matter for preliminary inquiry.
- (2) After the preliminary inquiry, if the Committee is of the opinion that there is no *prima facie* case, the matter may be dropped.
- (3) If a complaint is found to be false or vexatious, or made in bad faith, the matter may also be taken up as an issue of breach of parliamentary privilege.
- (4) If the Committee is of the opinion that there is a *prima facie* case, the matter shall be taken up by the Committee for examination and report.
- (5) The Committee may frame rules from time to time to give effect to its mandate and for conducting inquiries either by itself or by any official acting under its authority.
- (6) The Committee shall ordinarily hold its meetings in camera.

297. Sanctions

Where it has been found that a member has indulged in unethical behaviour or that there is other misconduct or that the member has contravened the Code/Rules, the Committee may recommend the imposition of one or more of the following sanctions *viz.* :

- (a) censure;
- (b) reprimand;
- (c) suspension from the House for a specific period; and
- (d) any other sanction determined by the Committee to be appropriate.

298. Presentation of report

The Report of the Committee shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

299. Motion for consideration of report

As soon as may be, after a report has been presented, a motion in the name of the Chairman of the Committee or any member of the Committee may be put down that the report be taken into consideration.

300. Amendment to motion for consideration

Any member may give notice of amendment to the motion for consideration of the report in such form as may be considered appropriate by the Chairman.

301. Motion after consideration of report

After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member, as the case may be, may move that the Council agrees, or disagrees or agrees with amendments, with the recommendations contained in the report.

302. Regulation of procedure

The Chairman may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the examination of cases with reference to ethical and other misconduct of members either in the Committee or in the Council.

303. Power of Chairman to refer a question of ethical and other misconduct to Committee

Notwithstanding anything contained in these rules, the Chairman may refer any question involving ethical and other misconduct of a member to the Committee for examination, investigation and report.