

Common Code of Conduct

September 5, 2019

Source: *The Hindu*

Manifest pedagogy: There are many aspects of Parliamentary decline in India like frequent use of ordinances, lacking informed discussions. One aspect of it is dealt in the article namely the moral decline. This article will be helpful to students to answer questions both in Polity and Governance- and Ethics

In news: Recently Speaker of Lok Sabha proposed Common code of conduct for legislative bodies.

Placing it in syllabus: Parliament – functioning and Conduct of business

Static dimensions: What is Code of Conduct?

Current dimensions: Provisions of present Code of Conduct for LS , RS

Need for a common code

Content: Recently Lok Sabha speaker called for a common code of conduct which would be framed for legislative bodies to check interruptions and for this a committee of presiding officers would be formed. This committee after due consultations with Speakers of Legislative Assemblies and the Chairmen of Legislative Councils, would present its report later this year.

The code of conduct outlines general principles of behaviour which the Assembly expects of its members. By adhering to these standards members can maintain and strengthen the openness and accountability necessary for trust and confidence in the Parliamentary Assembly. This code applies to members in all aspects of their public life relevant to their duties as

members of the Parliamentary houses.

There has been continuous disruption of parliament by members. The second half of the Budget Session of 2018 witnessed complete washout. Frequent disruptions led to adjournment of the house. The productivity of the Lok Sabha was four percent and that of the Rajya Sabha at eight percent. The behavior of parliamentarians is seen by the whole country and it impacts the legitimacy of the institution of parliament. Hence to hold parliamentarians accountable the code of conduct is a must.

Code of conduct for the members of Rajya Sabha:

There is a code of conduct for Rajya Sabha Members since 2005 but there is no code of conduct for Lok Sabha Members.

The First Report of the Ethics Committee was adopted on December 15, 1999.

The Fourth Report was adopted by Rajya Sabha on April 20, 2005, and a 14-point Code of Conduct for members of the House was formed and was implemented.

Major points included in Code of Conduct are:

- Members must not do anything that brings disrepute to the Parliament and affects their credibility.
- Members must utilise their position as Members of Parliament to advance general well-being of the people.
- In their dealings if Members find that there is a conflict between their personal interests and the public trust which they hold, they should resolve such a conflict in a manner that their private interests are subordinated to the duty of their public office.
- Members should always see that their private financial interests and those of the members of their immediate family do not come in conflict with the public interest and if any such conflict ever arises, they should try to resolve such a conflict in a manner that the public

interest is not jeopardised.

- Members should never expect or accept any fee, remuneration or benefit for a vote given or not given by them on the floor of the House, for introducing a Bill, for moving a resolution or desisting from moving a resolution, putting a question or abstaining from asking a question or participating in the deliberations of the House or a Parliamentary Committee.
- Members should not take a gift which may interfere with honest and impartial discharge of their official duties.
- Members holding public offices should use public resources in such a manner as may lead to public good.
- If Members are in possession of a confidential information owing to their being Members of Parliament or Members of Parliamentary Committees, they should not disclose such information for advancing their personal interests.
- Members should desist from giving certificates to individuals and institutions of which they have no personal knowledge and are not based on facts.
- Members should not misuse the facilities and amenities made available to them.
- Members should not be disrespectful to any religion and work for the promotion of secular values.
- Members should keep uppermost in their mind the fundamental duties listed in part IVA of the Constitution.
- Members are expected to maintain high standards of morality, dignity, decency and values in public life.

Code of conduct for Lok Sabha:

- The first Ethics Committee in Lok Sabha was constituted on May 16, 2000, when GMC Balayogi was Speaker.
- The **Report of the Ethics Committee** with regard to amendments to the Rules of Procedure and Conduct of Business in Lok Sabha headed by L K Advani was laid on

the table of the House on December 18, 2014.

- Its recommendations were included in the report of the Rules Committee of Lok Sabha tabled in Lok Sabha on August 5, 2015.
- It said that the **Ethics Committee shall “formulate a Code of Conduct for Members** and suggest amendments or additions to the Code of Conduct from time to time”.
- The matter has since been pending with the Ethics Committee.
- While the Ethics Committee headed by Advani recommended that “Any person or member may make a complaint relating to unethical conduct”, the Rules Committee, headed by Speaker Sumitra Mahajan, added a provision that the “if a complaint is made by any person, it shall be forwarded by a member and shall be countersigned by the member forwarding the complaint to the Speaker”.
- This provision is different from that in Rajya Sabha, and is similar to the Ethics Committee rules of the US Congress.

Need for a common code:

Elections in India are often remembered for personal attacks, remarks and hate speeches made at the expense of taking political discourse to its lowest. In a bid to assert their superiority over the rest, some political leaders go overboard and blur the line between public and private lives. The politicians representing their constituencies in the Parliament have time and again brought ill-repute to the institution with their incivility. Tenure of some of the politicians is also fraught with severe charges of impropriety.

Hence a common Code of Conduct for parliamentarians is needed mainly because of the following reasons:

- In a democratic setup, the common Code of conduct helps members of parliament in raising the level of

professionalism into politics, while on the other hand by allowing for clear benchmarks against which civil society and the public can judge parliamentary conduct.

- Codes of conducts have already proven to be beneficial in introducing a healthy debate on ethical standards and integrity within national parliaments and among their members.
- Codes of conduct cannot in themselves guarantee ethical conduct of members of parliament and be able to achieve substantial results against corrupt behaviour. Indeed, the effectiveness of such instruments depends eventually on the way in which their provisions are debated, updated, observed and applied, and by the responsible commitment members of parliament decide to put into these outlined sets of principles.
- A code of conduct for legislators is absolutely essential at this point of time, when coalition Governments mean increasing and more intense activity within the walls of the legislatures.