

## **Speech made on the topic of**

### **'ETHICS IN PUBLIC LIFE'**

**by the Deputy Speaker Thiru V.P. Duraiswamy, in the All India Conference of Presiding Officers and Secretaries of Legislative Bodies in India, held on 27-5-2007 at Kerala State Legislative Assembly**

Hon. Chairman, Hon. Presiding Officers, Deputy Presiding Officers and distinguished dignitaries, I deem it a privilege to speak in this gathering of learned scholars and great leaders.

Ethics and morality have been the hallmark of public life in India since ancient times. In the good old days of Monarchy, the Kings were expected to observe strict ethical values. In my state of Tamil Nadu, the story of Manu Neethi Chozhan is popular. In order to give justice to a cow, he avenged the death of its calf by killing under his Chariot the culprit, who happened to be his son.

This ethical and moral legacy was inherited by its national leaders, who demonstrated a high degree of probity and honesty in public life during the freedom struggle. Mahatma Gandhi who led the movement was the epitome of virtue and upholder of ethics in public and in personal life.

For the past few decades, a declining trend is noticed in not only politics but in all walks of life. Whether it be the individual citizen, the trader, the businessman or other people in the corridors of power, the high standards set in the earlier years seems to have come down. Probably, this may be due to the fact that those who threw ethics in pursuit of selfish goals were seemingly rewarded quickly instead of getting punishment. The judicial process in India takes a long time and most of the time the culprits come out with a clean chit as the offence could not be proved beyond doubt. This has emboldened more and more people to shirk time-

tested ethical values preached by our ancestors and elders, in return for the short route to money and fame.

This general decline in society is naturally and more truly reflected in politics and it does not augur well for the future of democracy and needs to be arrested as early as possible.

### **Role of elected Representatives**

In the circumstances, the role of elected Representatives who have to guide the people, assumes significance. Members of Parliament are people's representatives and are looked at by the people as their role models. Therefore, they are generally put beyond any kind of suspicion. There might be many ways for ensuring probity in public life, but a self-controlled mechanism, would be the best suited to the needs.

The talk of horse-trading and transfer of huge amounts of money is not new to our political system. During the electoral process or when Governments are destabilised, the value of the candidates or the elected representatives goes up and in many cases, the fate of the Government is in the hands of a few elected representatives who have the say. We have seen MLAs being held captive in unknown destinations for days on end till a solution to the political stalemate is reached or the House meets to take a vote of Confidence.

The early part of the 1990s saw MPs from small groups propping up the Government and there was large scale accusation that they were purchased. The issue was taken to Court and the rest is history. However, things had started drifting and keeping this in view the criminalisation of politics, the then Government appointed a Committee

headed by Thiru Vohra to probe the links of criminal organisations and their clout with Government functionaries and politicians.

The Vohra Committee in its report, among other things, said that the existing criminal justice system was unable to deal with the activities of the mafia; the provisions of law in regard to economic offences were found to be weak and there were insurmountable legal difficulties in attaching/confiscating the properties acquired through mafia activities.

The report suggested setting up of a nodal agency under the Ministry of Home Affairs, Government of India, to be handled directly by the Union Home Secretary, who would be assisted by one or more selected officers of the Ministry for the collation and compilation of all information received from different intelligence agencies.

In the JMM case, the Supreme Court ruled that MPs who took bribes could claim legal immunity if such money was received in connection with what they said or how they voted in the House. However, the National Commission to Review the Working of the Constitution rightly suggested that the immunity enjoyed by MPs should not cover corrupt acts such as "accepting money or any other valuable consideration to speak and/or vote in a particular manner."

All the leaders of Parliament and especially the Presiding Officers would, I am sure be emphatic that public office should not be used for private ends and for such acts of bribery during the course of their vote or deliberations inside the House, the MPs and members of State legislatures should be dealt against firmly.

### ***Birth of Ethics Committee***

On the lines of thinking of the Government, the first Ethics Committee in Indian Legislative history was set up in the Rajya Sabha in 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

The Committee studied the parliamentary watch-dog bodies existing in some countries which dealt with the moral and ethical aspects of the conduct of the Members of Parliament as well as other institutions

I come to know that Ethics Committees have subsequently been constituted in some other State Legislatures. Despite, the yeoman work done by these Committees, the decline in moral and ethical standards in public life could not not be arrested fully. Still we see in the newspapers and other media, one scam or other involving legislators, politicians and Government functionaries.

Newer and newer methods are being evolved to beat scrutiny and we see the Cash for Questions Scandal, the Human Trafficking Scandal and the like. I remember that the Parliamentary Ethics Committee had even talked about the need to curb cross-voting by Members in Rajya Sabha Elections and has recommended open ballot instead of secret ballot.

### **Electoral Reforms:**

Similarly, to stem the rot, electoral reforms are absolutely essential. Periodical revision of ceiling on election expenses, State funding of elections and strict punishment for falsification of records are required to instil a sense of fear among the unscrupulous and also to bolster the confidence of the people on the electoral and political system of the

country. The Election Commission in the last decade has been instrumental in curbing to a large extent, the degree of criminilisation of politics and Parliamentary approval in the form of amendment to the Representation of People Act, is needed from time to time to put those things to practice.

Donations received by political parties from foreign countries should be totally banned. It is gratifying that conviction by a trial Court is now taken as a disqualification while filing nominations. This practice should continue.

### **Governing Body in respect of ethics:**

As far as Parliament and Legislatures are concerned, instead of allowing outside agencies or institutions to investigate and probe into allegations of malpractice or unethical conduct by Members, it is always better to vest the powers with the Ethics Committee fully. Such Committees might recommend to the House the imposition of one or more of such penalties as censure; reprimand; suspension from the House for a specific period or even expulsion depending upon the severity of the charge when proved.

This degeneration in values and ethics is not endemic to India and there is a declining trend the world over. There are innumerable countries where the leaders do not behave as is expected of them by the public and it is because of this in many countries of the world that ethics Committees have been formed.

We look up to the Mother of Parliament in matters involving privileges and business of the House. Even in England, the cash for questions scandal rocked the House in the year 1994 and many remedial

measures like forming of Committees and a thorough probe were undertaken.

### **Briefing for Members**

My suggestion is to conduct briefings for Members, new and old alike. In all Legislatures, training is given to new Members on the aspects of business of the House, the nuances of legislation, Budget exercises etc. It is time that we include, the subject of ethics and morality in public life for all the Members, by organising Refresher Courses as soon as a new House is constituted. This must be followed by all State Legislatures.

There are established ways of raising issues in the House and the proceedings in the House should be allowed to be conducted uninterruptedly in accordance with the rules, established procedures and conventions of the House. Members must not resort unethical practices to raise certain issues which are close to their heart, lest they should be mistaken of unethical conduct.

### **Code of Conduct:**

It was again the Rajya Sabha, which after studying different models obtaining in various countries brought into force a Code of Conduct for Members. This should be emulated by all State Legislatures, so that the elected representatives maintain and improve the public trust reposed in them and should work diligently to discharge their mandate for the common good of the people. They must hold in high esteem the Constitution, the Law, the Parliamentary institutions and above all the general public. They should constantly strive to translate the ideals laid down in the Preamble to the Constitution into a reality.

The cardinal principles of any such Code of Conduct should be the oath by Members not to do anything that brings disrepute to the House or affects its credibility. If at all there is conflict between their private interest and the public office they hold, the interests of the public office and general well being of the people would stand supreme.

Another important condition that flows from the above principle is that Members should never accept any fee, remuneration or benefit for a vote given or not given by them on the floor of the House, for introducing Bills or resolutions or putting questions in the deliberations of the House or its Committees.

Similarly, Members should not take a gift which may interfere with honest and impartial discharge of their official duties. Members should desist from giving certificates to individuals and institutions of which they have no personal knowledge and are not based on facts.

Members of Parliament are required to register details of their assets and liabilities. There may be occasions when a Member may have direct, indirect or specific pecuniary interest in a matter being considered by the House or a Committee thereof. In such case, in addition to the normal declaration, the Members must declare the nature of such specific interest and desist from participating in any such debate or vote taking place in the House or its Committees before making such declaration.

This practice is not being followed in many State Legislatures. I take this opportunity to state that the virtues of ethics and morality are common for everyone and the practices adopted should therefore be uniform in all the Legislatures.

**Role of media:**

With the advent of latest technology and live telecasts by media, even what happens behind closed doors is brought to the drawing rooms of the public instantly. Though a certain degree of sensationalism is involved in such episodes, the role of media in highlighting the fall in ethical standards needs to be appreciated. We must remember the fact that if it were not for the sting operations of the video media, many scams would not have seen the light of the day. These channels, have in a way, contributed their share to the survival of Indian democracy.

Whether it be on-camera recording of acceptance of bribery or secret defence deals subverting national interests, these episodes of investigative journalism have brought to light many disturbing facts, which would have otherwise not been known at all.

The recent episode was the high profile human trafficking case. The chilling truth that a few MPs had misused their special rights and privileges and sent some people abroad against the passports issued to them and their family members, dawned upon thanks to the ubiquitous news channels.

Parliament was stunned by a scandal involving MPs in the case of human trafficking. Hon. Speaker of the Lok Sabha immediately set up a Panel in consultation with the Opposition leaders, to probe the issue. The Member concerned has been asked to stay away from the proceedings.

Though these records, tend to project the elected representatives in poor light, we must introspect and take the good from it and never allow such things to happen in future.

Even though we may form several ethics Committees and frame several codes of conduct and revise them from time to time, unless the

elected representatives and leaders in public life, individually and then collectively, uphold probity and honesty in their public lives, a great deal could not be achieved in this regard.

Hence, I request that on this solemn occasion, we must all make a promise to uphold the principles of law and justice in our public life and should also educate and encourage others to follow us, by our words and deeds.

Thanking you all once again for the opportunity given, I conclude my speech.

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