Cash for Query Case

Why in news?

The Lok Sabha Ethics Committee will take up Nishikant Dubey's complaint of cash for query against Mahua Moitra.

What is the issue?

An allegation of corruption against an MP can be sent to either Ethics Committee or Privileges Committee, but usually more serious accusations go to the latter.

The Ethics Committee can take up only cases of misconduct that involve MPs while Privileges Committee includes both MPs and non- MPs.

- MP Nishikant Dubey has accused MP Mahua Moitra of asking questions in Parliament in exchange for bribes from a businessman named Darshan Hiranandani, who wanted to target the Adani Group and Prime Minister Narendra Modi.
- However, Moitra has denied the allegations.
- Recently, Parliamentary Ethics Committee has started hearing the case.

2005 Cash-for-Query Case
• In 2005, a sting operation unveiled 11 MPs who allegedly showed willingness to promote a company and ask questions in the House in exchange for money. • Based on the parliamentary committee's findings, 10 Lok Sabha MPs were expelled from the lower house. • Following an investigation into the matter by its Ethics Committee, Rajya Sabha also expelled 1 MP. • In 2007, the expulsion was upheld by the Supreme Court, which said in the ***Raja Ram Pal Ram Pal v/s The Hon'Ble Speaker case***, that the power of expulsion was part of the privileges and immunities of Parliament.

What is ethics committee?

- **History-** ***Vohra committee report*** submitted in 1995 pointed out the nexus between criminal gangs, police, bureaucracy and politicians have come clearly out in various parts of the country.
- **Recommendations** - A *Presiding Officers' Conference* held in Delhi in 1996 first mooted the idea of ethics panels for the two Houses.
- Committee of Privileges recommended the constitution of an Ethics Committee during the 13th Lok Sabha.
- **Aim** - To oversee the moral and ethical conduct of members and examine cases of misconduct referred to it.

- The rules applicable to the Committee of Privileges also apply to the ethics panel.

Ethics Committee		
About	**Lok Sabha**	**Rajya Sabha**
Established	2000	1997
Members	Should not contain more than 15 members	10 members including Chairman
Nominated by	Speaker	Chairman
Chairperson	It is appointed by Speaker amongst the Committee members	It is from the largest party in the House
Functions	• It enforces the code of conduct of members of Parliament. • It examines the cases of misconduct and recommends appropriate action. • It is engaged in maintaining discipline and decorum in Parliament.	

What is the procedure for complaints in ethics committee?

- **Complaint-** Any person can complain against a member through another Lok Sabha MP, along with evidence of alleged misconduct.
- **Speaker-** He/She can refer to the Committee any complaint against an MP.
- **Committee** - The Committee does not entertain complaints based only on media reports or on matters that are sub judice.
- It makes a prima facie inquiry before examining a complaint and makes recommendations after evaluating the complaint.
- **Report-** The Committee presents its report to the Speaker, who asks the House if the report should be taken up for consideration.

What is Privileges Committee?

- Privileges are enjoyed by individual Members as well as the House as a whole.
  - **Member of Parliament (MP)**- He/She can be examined for breach of privilege.
  - **Non-MP** - They can be accused of breach of privilege for actions that attack the authority and dignity of the House.
- **Mandate-** To safeguard the freedom, authority and dignity of Parliament

About	Lok Sabha	Rajya Sabha
Members	15	10
Nominated by	Speaker	Chairman
Ex-officio Chairman	Speaker	Deputy Chairman
Functions	• Can examine any complaint referred to it by the House or by the presiding officer and take up matters suo motto. • Can summon witnesses, examine documents and hear evidence. • Can recommend disciplinary action against any person found guilty of breach of privilege or contempt of the House	

What lies ahead?

- **Time period-** The time a Committee takes depends on the complexity of the case.

- The committee does not have mandate to refer the cases to investigative agencies like CBI or Police.
- **Power**- The Committee does not have executive powers, it cannot punish the Member.
- It can recommend suspension of the Member for certain period.
- **Decision** - Its recommendation will go before the House, which can accept/deny the recommendation and agree/disagree with the suggested punishment.

Findings of the Committee	Possibilities of Action
No merit in the allegations	May dismiss the complaint and pardon Moitra
Evidence of unethical conduct	May suggest a mild disciplinary action, such as a reprimand or a censure
Strong evidence of breach of privilege or contempt of the House	May recommend a severe punishment, such as suspension or expulsion from the House

- **Challenge the decision**- The MP can challenge the decision in the court if there is *unconstitutionality, gross illegality, and denial of natural justice*.

References

1. Indian Express- Mahua Moitra cash for query case
2. Indian Express- Ethics committee and its members

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