

MINISTRY OF HOME AFFAIRS
CODE OF CONDUCT FOR MINISTERS
(Both Union and State)

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In addition to the observance of the provisions of the Constitution, the Representation of the People Act, 1951, and any other law for the time being in force, a person immediately after entering office as a Minister, and in any case within a period of two months from the date of assumption of office, shall:

- a) disclose to the Prime Minister, or the Chief Minister, as the case may be details of the assets and liabilities, and of business interests, of himself and of members of his family. The details to be disclosed shall consist of particulars of all immovable property and the total approximate value of (i) shares and debentures, (ii) cash holdings and (iii) jewellery. Such a Statement of assets and liabilities could be in respect of the financial year for which the income tax return has already been filed by the Minister;
- b) sever all connections, short of divesting himself of the ownership, with the conduct and management of any business in which he was interested before his appointment as Minister; and
- c) with regard to a business concern which supplies goods or services to the Government concerned or to undertakings of that Government (excepting in the usual course of trade or business and at standard or market rates) or whose business primarily depends on licenses, permits, quotas, leases, etc., received or to be received from the Government concerned, divest himself of all his interests in the said business and also of the management thereof.

Provided, however, that he may transfer in the case of (b) his interest in the management, and in the case of (c) both ownership and management, to any adult member of his family or adult relative, other than his wife (or husband, as the case may be), who was prior to his appointment as Minister associated with the conduct or management or ownership of the said business. The question of divesting himself his interests would not arise in case of holding of share in public limited companies except where the Prime Minister, or the Chief Minister, as the case may be, considers that the nature or extent of his holding is such that it is likely to embarrass him in the discharge of his official duties.

2. After taking office, and so long as he remains in office, the Minister shall: -

- (a) furnish annually by the 31st August to the Prime Minister, or the Chief Minister, as the case may be, a declaration regarding the details of assets and liabilities of himself and of members of his family for the previous financial year.
- (b) refrain from buying from or selling to, the Government any immovable property except where such property is compulsorily acquired by the Government in usual course;
- (c) refrain from starting, or joining, any business;
- (d) ensure that the members of his family do not start, or participate in, business concerns, engaged in supplying goods or services to that Government (excepting in the usual course of trade or business and at standard or market rates) or dependent primarily on grant of licenses, permits, quotas, leases, etc., from that Government; and
- (e) report the matter to the Prime Minister, or the Chief Minister as the case may be, if any member of his family sets up, or joins in the conduct and management of, any other business.
- (f) uphold the political impartiality of the civil services and not ask the civil servants to act in any way which would conflict with the duties and responsibilities of the civil servants.

3.1 No Minister should -

- (a) personally, or through a member of his family, accept contribution for any purpose, whether political, charitable or otherwise. If any purse or cheque intended for a registered society, or a charitable body, or an institution recognised by a public authority, or a political party is presented to him, he should pass it on as soon as possible to the organisation for which it is intended; and
- (b) associate himself with the raising of funds except for the benefit of (i) a registered society, or a charitable body, or an institution recognised by a public authority and (ii) a political party. He should, however, ensure that such contributions are sent to a specified office bearer, etc. of the society or body or institution of party concerned and not to him. Nothing herein before shall prevent a Minister from being associated with the operation for disbursement of funds raised as above.

3.2 A Minister, including the Union Ministers, the Chief Ministers and other Ministers of State Governments/Union Territories, should not permit their spouse and dependents to accept employment under a Foreign Government, in India or abroad, or in a foreign organisation (including commercial concerns) without prior approval of the Prime Minister. Where the wife or a dependent of a Minister is already in such employment, the matter should be reported to the Prime Minister for decision whether the employment should or should not continue. As a general rule, there should be total prohibition on employment with a Foreign Mission.

4.1 A Minister should -

- a) not accept valuable gifts except from close relatives, and he or members of his family should not accept any gifts at all from any person with whom he may have official dealings; and
- b) not, nor permit a member of his family, contract debts of a nature likely to embarrass or influence him in the discharge of his official duties.

4.2 A Minister may receive gifts when he goes abroad or from foreign dignitaries in India. Such gifts fall into two categories. The first category will include gifts which are of symbolic nature, like a sword of honour, ceremonial robes etc. and which can be retained by the recipients. The second category of gifts would be those which are not of symbolic nature. If its value is less than Rs.5,000/- it can be retained by the Minister. If, however, there is any doubt about the estimated value of the gift, the matter should be referred to the Toshakhana for valuation. If the value of the gift, on assessment is found to be within the prescribed limit of Rs.5,000/- the gift will be returned to the Minister. If it exceeds Rs.5,000/- the recipient will have the option to purchase it from the Toshakhana by paying the difference between the value as assessed by the Toshakhana and Rs.5,000/-. Only gifts of household goods which are retained by the Toshakhana, such as carpets, paintings, furniture etc. exceeding Rs.5,000/- in value, will be kept in Rashtrapati Bhavan, Prime Minister's House or Raj Bhavan as State property. (Note: The value of the gift refers to its approximate market value in the country of origin).

4.3 In case of grant of an award by any organisation to a Minister/a person holding the Minister's status/rank, the following procedure may be followed :-

- a) the credentials of the organisation giving award may be gone into;
- b) if the credentials of the body giving the awards are unimpeachable, the award as such may be accepted but the cash part should not be accepted;

- c) if the awards relate to the work done by the individual prior to his holding the office of Minister, such awards may be accepted but in all such cases specific approval of the Prime Minister or the Chief Minister as the case may be, should be obtained. The Chief Minister and other Ministers shall have to take permission of the Prime Minister and the Union Home Minister; and
- d) those instances, where a Minister is to receive any award by any organisation which has connections with any Foreign Agencies/Organisations, such a Minister/ a person holding the Minister's status/rank, will have to seek prior approval of the Prime Minister of India.

4.4 A Minister should follow the instructions given from time to time by the Prime Minister in matters relating to attending functions arranged by foreign missions in India or abroad, and also for accepting the membership of any foreign trust, institution or organisation other than U.N. Organisations of which India is a Member.

5. A Minister should -

- a) while on official tour, as far as practicable stay in accommodation belonging to himself or maintained by Government, Government undertakings, public bodies or institutions (such as circuit houses, dak bungalows etc.) or in recognised hotels; and
- b) avoid attending, as far as possible, ostentatious or lavish parties given in his honour.

6. The authority for ensuring the observance of the Code of Conduct will be the Prime Minister in the case of Union Ministers, the Prime Minister and the Union Home Minister in the case of Chief Ministers, and the Chief Minister concerned in the case of State Ministers except where it is otherwise specified. The said authority would follow such procedure as it might deem fit, according to the facts and circumstances of each case, for dealing with or determining any alleged or suspected breach of this Code.

Explanation: In this code, a Minister's family shall include his wife (or husband, as the case may be) not legally separated from him (or her), minor children, and any other persons related by blood or marriage to, and wholly dependent on the Minister.

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