

THE CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

PART I

OBJECTIVE OF THE CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

1. (a) The objective of the Code of Conduct for Members of Parliament (hereinafter referred to as the "Code of Conduct") shall be to assist the exercise, perform and discharge by them of their powers functions and duties in order to fulfill their responsibilities to the Parliament, to their constituents and the public at large.
- (b) The Parliament shall in order to achieve the objective specified in sub-paragraph (a)–
 - (i) establish the standards and principles relating to conduct expected of every Member of Parliament (hereinafter referred to as the "Member") as representatives of the public;
 - (ii) specify the rules of conduct which strengthen the standards and principles established under sub-paragraph (a) which every Member shall adhere to;
 - (iii) to take necessary steps to ensure public confidence in the standards expected of the Members and in the commitment of Parliament to uphold such rules.

PART II

SCOPE OF THE CODE OF CONDUCT

2. (a) The Code of Conduct shall apply to each Member including the presiding members, the Prime Minister, the Leader of the House, the Leader of the Opposition, Whips of the Government and the Opposition in all aspects of their public lives. However, this does not mean that the private and personal lives of such persons are regulated by this Code of Conduct.
- (b) The responsibilities specified in this Code of Conduct shall be in addition and harmonizing the procedure and any other rule of the House and the rulings of the presiding member.

- (c) The Code of Conduct shall be read with the provisions of the Parliament (Powers and Privileges) Act, No. 21 of 1953 and the Standing Orders of Parliament.
- (d) The Code of Conduct shall not be in derogation of any written law by which the conduct of the Members have been regularized in any manner.

PART III

DUTIES OF MEMBERS

- 3. Every Member shall have a duty by virtue of the oath or affirmation administered to them by the Secretary-General of Parliament (hereinafter referred to as the "Secretary-General") under Standing Order 1, to uphold and defend the Constitution of the Democratic Socialist Republic of Sri Lanka and to uphold the integrity of the State.
- 4. Every Member shall uphold the law relating to fundamental rights and shall act in a nondiscriminatory manner in the exercise, performance and discharge of his powers, functions and duties concerning his constituents at all times.
- 5. Every Member in the exercise, performance and discharge of his powers, functions and duties shall act in the interest of the nation as a whole and specially towards his constituents.
- 6. The Members shall on all occasions act in accordance with the public trust entrusted with them and shall always behave with probity and integrity including the use by them of any public resources.

PART IV

PRINCIPLES OF CONDUCT

- 7. Every Member shall in carrying out his public and Parliamentary duties comply with the following principles of conduct:-
 - (a) Every Member, when taking decisions shall always consider the public interest and shall not expect any financial or other material benefit or personal advantage for himself, his family members, friends or any other person on their behalf.

- (b) No Member shall in any way place himself under any financial or other obligation to any outside individual or organization which may influence such Member in the discharge of his official duties.
 - (c) The Members shall in carrying out their duties relating to any public business, public appointments, awarding of contracts, recommending persons for any rewards or any other benefit ensure that such things are made purely on merit.
 - (d) The Members shall be accountable for the decisions made by them, actions taken by them for the public, and shall be subject to scrutiny appropriate to their office or to any public scrutiny.
 - (e) The Members shall be open to the public as much as possible in respect of any decision or action taken or done by them and shall assign reasons for such decisions and restrict information only when the wider public interest clearly demands.
 - (f) The Members shall declare any private interest or conflict of interests if any relating to their public duties and take necessary steps to resolve any conflict arising thereby in a way that the public interest is protected.
8. Every Member shall promote and uphold the principles of conduct specified in paragraph 7 in order to provide leadership by example.

PART V

RULES OF CONDUCT

9. The Members shall adhere to the following rules of Parliament: -
- (a) act in good conscience;
 - (b) to respect human rights and intrinsic dignity of the people;
 - (c) to act so as to merit the trust and respect of the people;
 - (d) to give effect to the concepts of the democratic government, abide by the letter and spirit of the Constitution and uphold the doctrine of Separation of Power and the Rule of Law;
 - (e) to hold themselves accountable for the conduct and duties for which they are responsible;

- (f) to exercise the privileges they are entitled to under any law and discharge the duties of public office diligently with civility, dignity, due care and honour.
- 10. Every Member shall be individually responsible as a contributor to effective and efficient functioning of the Parliament.
- 11. Every Member shall respect the roles, independence, rights and responsibilities of the Parliamentary Staff.
- 12. Every Member shall in upholding the Parliamentary Democracy be responsible to ensure that the Executive Government is accountable to Parliament.
- 13. The Members shall not undertake any activity which may cause damage to the reputation and integrity of the Parliament or of its Members or the country.

PART VI

REGISTER OF MEMBERS' INTERESTS AND DISCLOSURE AND PUBLICATION OF SUCH INTERESTS

- 14. A Register called the "Register of Members' Interests" (hereinafter referred to as the "Register") shall be kept and maintained by the Secretary-General in such form and manner as may be determined by the Committee on Ethics and Privileges which shall be available for inspection by any Member on request made in that behalf to the Secretary-General.
- 15. The provisions of the Right to Information Act, No.12 of 2016 shall apply to publication of any information contained in the Register.
- 16. The members shall disclose information relating to their business relationships and financial interests including information of close family members in order to increase the public trust in Members.
- 17. Every Member shall fulfil conscientiously the requirements of the Parliament in respect of registration of any interest in the Register. For the purpose of this paragraph every Member shall immediately after a general election, disclose to the Parliament all relevant interests that a reasonable person might think could give rise to the perception of influencing behavior between duties and responsibilities and the personal interests of such Member such as assets relating to land and property, shareholdings and gifts. The provisions of this paragraph shall apply to any items received or donated by such Member.

18. No Member shall vote in division on a question relating to a matter other than public policy in which he has a financial interest.
19. Where any Member has any personal or pecuniary interest whether directly or indirectly relating to any matter under consideration by Parliament or any Committee thereof, such Member shall declare the nature of such interest notwithstanding the fact that such Member has registered such interest in the Register and shall not participate in any debate taking place in the House or in any Committee unless he has made such declaration as required by this paragraph.
20. No Member shall misuse any information which such member has received in confidence during the course of his parliamentary duties. Such information shall be used only in the discharge of his parliamentary duties as Member of Parliament and shall not use for the purpose of financial or personal gain.
21. The Parliament shall publish the information so disclosed by any Member under paragraph 17 and the amounts of expenditure of public funds used by each Member and the purposes for which such funds have been utilized as soon as practicable. These shall be published by Parliament in the most accessible means available such as Parliamentary website.
22. The provisions specified in this Part shall apply to the spouse and close family members of the Member concerned.

For the purpose of this paragraph "close family member" means father, mother, spouse, daughter or son.

PART VII

USE OF PUBLIC PROPERTY BY MEMBERS AND INDUCEMENTS

23. The Members shall use any public fund, property or facility only in the public interest as permitted by law. Such public fund, property or facility shall not be used in party political purposes unless specifically provided for by law.
24. Every Member is personally responsible for ensuring that any expenses, facilities and services provided to them from public money is in accordance with the rules laid down on such matters. The Members shall also ensure that the use of any public resources by them is always in support of their parliamentary duties and it shall not confer any undue personal or financial benefit on such Members or anyone else or any political organization.

25. No Member shall accept any form of inducement that may give rise to conflict of interest or influence his conduct as a Member, including any fee, compensation or reward in connection with the promotion of or opposition to any Bill, motion or other matter submitted or intended to be submitted to Parliament or any Committee thereof.
26. No Member shall engage in any paid lobbying, paid parliamentary advice or paid advocacy.
27. No Member shall use his position to seek or secure future employment, paid lobbying, consultancy work or other remuneration or benefit upon ceasing to be a Member.
28. Every Member shall represent the interests of his constituents on an equitable basis and not on the basis of any personal or political affiliation or inducement.

PART VIII

ATTENDANCE, BEHAVIOUR AND CIVILITY

29. Every Member shall attend every sitting of the House and every meeting of the Committees of which such Member is a member unless with the leave of Parliament or such Committee as the case may be. Every Member shall properly attire when attending Parliament.
30. The Members shall exercise civility and use appropriate language in political discourse and specially in Parliamentary debate.
31. No Member shall assault, harass or intimidate any person.
32. Every Member shall act in a manner that is respectful of his fellow Members and the Parliamentary Staff and people of the country with dignity, courtesy and without diminishing the dignity of the Parliament.

PART IX

UPHOLDING OF THE CODE OF CONDUCT

33. The application of this Code of Conduct shall be a matter for Parliament acting in accordance with the Standing Orders of the Parliament.
34. The Committee on Ethics and Privileges may investigate any matter relating to the adherence of a Member to the provisions of this Code of Conduct. Every Member shall cooperate at all times with any investigation as may be conducted by or under the authority of the House. No Member shall lobby any other Member of the Committee in a manner calculated or intended to influence the consideration by the House of an alleged breach of this Code of Conduct.

35. The Committee on Ethics and Privileges may in the performance of its duties, obtain the services of the experts, call for documents and summon and examine witnesses.
36. The Parliament shall consider the recommendations made by the Committee on Ethics and Privileges and may impose sanctions on any Member where it considers necessary.

PART X

COMPLAINTS, INVESTIGATIONS AND ENFORCEMENT

37. Any Member or a person may make to the Committee on Ethics and Privileges, any complaint relating to the following:-
 - (a) an alleged unethical conduct by a Member;
 - (b) breach of any provision of the Code of Conduct by any Member;
 - (c) an incorrect or false information given by a Member in respect of his interests under paragraph 17.
38. Where any complaint is made by a person, it shall be countersigned by a Member and forwarded to the Speaker of Parliament.
39. Any complaint under paragraph 37 shall be made in writing and by way of motion addressed to the Speaker who may then allow such Member to raise it at the appropriate time in the House. The Speaker shall refer such motion to the Committee on Ethics and Privileges on a resolution moved and approved by Parliament for examination, investigation and report.
40. The complainant shall declare the identity and submit supporting evidence, documentary or otherwise to substantiate the allegation.
41. Where any complaint under paragraph 37 is made by a Member he shall ensure that the complaint is not false, frivolous or vexatious and is made in good faith.
42. Any person shall ensure that a complaint made by him under paragraph 37 that such complaint is not false frivolous or vexatious and is made in good faith. An affidavit to that effect shall accompany the complaint.
43. Any Member or person referred to in paragraph 37 shall where necessary and required by the Committee on Ethics and Privileges, prove to the satisfaction of the Committee that such complaint is not false frivolous or vexatious and is made in good faith.

44. Every complaint under paragraph 37 shall be in respectful language and signed by such Member or person, as the case may be.
45. Any complaint based merely on an unsubstantiated media report shall not be entertained.
46. The Committee on Ethics and Privileges shall not take up any matter for consideration if such matter is *sub judice*. The decision of the Committee as to whether such matter is *sub judice* or not shall be final.

PART XI

PROCEDURE FOR INQUIRY AND SANCTIONS

47. If the Committee on Ethics and Privileges is satisfied that the complaint referred to it is in due form and the matter contained therein is within its jurisdiction, it may take up such complaint for inquiry by Parliament.
48. After the preliminary inquiry if the Committee on Ethics and Privileges is of the opinion that no *prima facie* case is disclosed by such inquiry, such complaint may be disregarded.
49. Where any complaint is found to be false, frivolous or vexatious and is made in bad faith the Committee on Ethics and Privileges may consider such complaint as a breach of Parliamentary privilege and inquire into such matter.
50. After the preliminary inquiry if the Committee on Ethics and Privileges considers that there is a *prima facie* case, it shall examine and report such matter to Parliament.
51. Every Member shall cooperate with and assist the Committee on Ethics and Privileges in the investigation and inquiry by such Committee of any complaint referred to it under paragraph 37.
52. If the Committee on Ethics and Privileges finds any evidence to the effect that any breach relating to criminal law is present, it shall forthwith refer such matter to the Police or any other Institute having jurisdiction to inquire into such matter.
53. After the investigation and inquiry of such matter, the Committee on Ethics and Privileges shall report its findings or recommendations to the House for further proceedings in accordance with its rules.

54. Where it has been found that a Member has indulged in any unethical behaviour or that there is other misconduct in respect of any Member or that any Member has breached any provision of the Code of Conduct, the Committee on Ethics and Privileges may recommend to the House the imposition of one or more of the following sanctions:-
- (a) censure;
 - (b) reprimand;
 - (c) suspension from Parliament for a period as may be specified by the Committee on Ethics and Privileges. However, such period shall not exceed the limits as set out in the Parliamentary (Powers and Privileges) Act, No.21 of 1953; and
 - (d) any other sanction the Supreme Court may prescribe on a matter that has been referred to the Supreme Court by Parliament under the aforesaid Act.

PART XII

PRESENTATION AND CONSIDERATION OF REPORTS

55. The Report of the Committee on Ethics and Privileges shall be presented to the Parliament by the Chairman of the Committee on Ethics and Privileges or in his absence by any member of the Committee, which may be considered by Parliament.
56. After a motion for consideration of the report has been carried, the Chairman or any Member of the Committee on Ethics and Privileges or any other Member, as the case may be, may move that the House agrees, or disagrees or agrees with amendments, with the recommendations specified in the report.

PART XIII

MAKING AND UPDATING THE CODE OF CONDUCT

57. The House shall ensure that this Code of Conduct remains appropriate, is reviewed and revised and amended when necessary periodically, is up to date and is familiar to the Members.
58. This Code of Conduct shall come into operation upon a decision of the Parliament.