

CONFIDENTIAL

CB-II No.

**JOINT COMMITTEE ON OFFICES OF PROFIT
(FOURTEENTH LOK SABHA)**

NINTH REPORT

Presented to Lok Sabha on 19.12.2008
Laid in Rajya Sabha on 19.12.2008

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**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2008/Agrahayana, 1930 (Saka)

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**COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT
(FOURTEENTH LOK SABHA)**

MEMBERS

Shri Chandra Bhushan Singh - Chairman

Lok Sabha

2. Shri Ananth Kumar
3. Shri Ashok Argal
4. Vacant
5. Shri Mohan Jena
6. Shri S.K. Kharventhan
7. Shri G. Nizamuddin
8. Shri Nikhilananda Sar
9. Shri Bharatsinh M. Solanki
10. Shri Sita Ram Yadav

Rajya Sabha

11. Shri Silvius Condpan
- *12. Dr. Abhishek Manu Singhvi
- *13. Shri Arun Jaitley
- &14. Shri P.R. Rajan
15. Vacant

Secretariat

Shri P.K. Grover	-	Joint Secretary
Shri R.S. Misra	-	Director
Shri K. Sarkar	-	Deputy Secretary-II

* Elected by Rajya Sabha on 28.7.2006 vice Sarvashri Manoj Bhattacharya, Ram Nath Kovind and K. Rama Mohana Rao who retired w.e.f. 2.4.2006 and Shri Saif-ud-din-Soz resigned on 29.1.2006 consequent upon his appointment as Union Minister.

& Elected to the Committee on 4.5.2007 vice Shri Chittabrata Majumdar passed away on 20.2.2007.

INTRODUCTION

I, the Chairman of the Joint Committee on Offices of Profit, having been authorised by the Committee to present the Report on their behalf, present this Ninth Report of the Committee.

2. The matters covered in the Report were considered by the Joint Committee on Offices of Profit at their sitting held on 3 October, 2008. The Minutes of the sitting form part of the Report and is at Appendix I.

3. The Committee examined the composition, character, functions etc. of Nehru Yuva Kendra Sanghatan and State Level Committee on Redressal of Public Grievances with a view to considering whether the holders of the offices of membership in these bodies would incur disqualification under Article 102 of the Constitution.

4. The detailed information regarding the composition, character, functions, emoluments and allowances payable to the members of these bodies was furnished by the Ministry of Youth Affairs and Sports, Government of India and Government of Rajasthan. The Committee wish to express their thanks to the Ministry of Youth Affairs and Sports and Government of Rajasthan for furnishing the information desired by the Committee.

5. The Committee considered and adopted this Report at their sitting held on 18 December, 2008.

6. The observations/recommendations of the Committee in respect of the matters considered by them are given in the respective Chapters of this Report. The recommendations of the Committee will, however, remain advisory in nature and as such can not give any protection from disqualification under the law until the recommendations are given statutory effect by the Government by suitably amending the Parliament (Prevention of Disqualification) Act, 1959.

NEW DELHI;

December, 2008

Agrahayana, 1930 (Saka)

**CHANDRA BHUSHAN SINGH,
Chairman,
Joint Committee on Offices of Profit**

REPORT

CHAPTER-I

Examination of composition and character of Nehru Yuva Kendra Sangathan

Ministry of Youth Affairs & Sports, Government of India vide their O.M. dated 25 November, 2004, have forwarded a request to examine the composition and character of Nehru Yuva Kendra Sangathan constituted by Government of India from the angle of 'Office of Profit'.

1.2 The detailed information was furnished by the Ministry of Youth Affairs and Sports vide their letters dated 12 December, 2007 and 27 June, 2008. The extracts of the information are given below:-

- (i) The Board of Governors of Nehru Yuva Kendra Sangathan has been constituted under the Societies Registration Act, 1860.
- (ii) Two Members of Lok Sabha and one Member from Rajya Sabha will be nominated as non-official Members of Board of Governors.
- (iii) The nominated Member of the Board of Governors of Nehru Yuva Kendra Sangathan, other than the ex-officio, shall hold office for a period of three years and can be nominated for a maximum of two terms.
- (iv) No remuneration is given to the Members of the Board of Governors of Nehru Yuva Kendra Sangathan except TA/DA for attending the meetings and no other facilities are extended to MPs for being Members of Board of Governors.
- (v) The Government of India may nominate vice chairperson of the Sangathan from amongst the members of Board of Governors/Sangathan and the members who are nominated as vice-chairpersons of BOG are paid perks and privileges.

1.3 The Board of Nehru Yuva Kendra Sangathan perform the following functions:

- (1) To take over, manage, administer and run the existing NYKS and to establish, run, manage and administer them anywhere in India and evaluate their working.
- (2) To involve the youth in programmes, to create an awareness among the rural youth and to organize, sponsor and finance seminar, conferences etc in the fields of youth and allied matters.
- (3) To constitute Boards, Committees of other bodies as may be deemed fit and to prescribe their powers, functions, tenure etc.
- (4) To accept and collect donations, grant and gifts and to undertake management of any endowment or trust and to make donations, grant and gifts for the purpose of these objects.
- (5) To borrow and raise money with or without security of movable and immovable properties belonging to the Sangathan provided that the prior approval of the Government of India is obtained in that behalf.
- (6) To acquire, purchase or otherwise own, take on lease or hire, movable and immovable properties and to sell, mortgage, transfer or otherwise dispose off any such movable or immovable properties with the prior approval of the Government of India.
- (7) To make Rules and Regulations for the conduct of the affairs of the Sangathan and to maintain a 'Fund' which shall be vested with the Sangathan.

1.4 The Committee considered the matter at their sitting held on 3 October, 2008.

(APPENDIX-I)

1.5 The Committee note that the Nehru Yuva Kendra Sangathan is fully financed by Government. The rules and regulations for the conduct of its business are also framed with the prior approval of the Government. Although the Board is conferred with the powers of disbursement of funds, allotment of land, etc. but the prior approval of Government in respect of such cases shall be obtained. Hence, the Nehru Yuva Kendra Sangathan is an office under the Government.

1.6 The Committee also note that Nehru Yuva Kendra Sangathan is constituted under the Societies Registration Act, 1860 and the Chairman, President, Vice-President of such institutions are exempted from disqualification for being chosen as

or for being a Member of Parliament under the Parliament (Prevention of Disqualification) Act 1959 (as amended in 2006). As such, there seems to be a little justification for debarring other Members of the Sangathan for being chosen as or for being a Member of Parliament either.

1.7 Having considered all the aspects of the matter, the Committee recommend that a Member of Parliament, if nominated as a member to the Board of Governors of Nehru Yuva Kendra Sangathan should be exempted from disqualification for being chosen as, or for being a Member of Parliament.

CHAPTER-II

Nomination of Member of Parliament to the State Level Committee on Redressal of Public Grievances, Rajasthan.

The Government of Rajasthan (Department of Parliamentary Affairs)) vide their letter dated 31.8.2007 requested for permission of Hon'ble Speaker, Lok Sabha for nomination of Shri Subhash Maharia, Member of Parliament as member of the State Level Committee on Redressal of Public Grievances.

2.2 The detailed information was furnished by the State Government of Rajasthan vide their letter dated 17 June, 2008. The State Level Committee on Redressal of Public Grievances has been constituted by the Department of Administrative Reforms, Government of Rajasthan with the permission of Hon'ble Governor, Rajasthan.

2.3 The Committee have been informed that the State Level Committee performed the following functions:-

- (i) To assess the pendency of public grievances and analyse the reasons thereof;
- (ii) To expedite the disposal of public grievances in a time bound manner;
- (iii) To prepare and recommend models for redressal of public grievances at all levels of administration such as Panchayat, Block, Sub-Division, District and Department;
- (iv) To monitor and to ensure the level of implementation as per the recommended model; and
- (v) To coordinate with the public representatives, get feed back, and to use that in the process of public grievances redressal as per requirements.

2.4 To the queries whether the Committee would exercise executive, legislative or judicial powers, whether the Committee confers powers of disbursement of funds, whether the members are paid any remuneration including salary, HRA, compensatory allowance, sitting fee etc., and whether the Committee has powers of appointment/removal, the reply of Government of Rajasthan was in the negative Members will only be given TA according to Rule 32 of Rajasthan Travelling Allowance for attending the sittings of the Committee.

2.5 The Committee considered the matter at their sitting held on 3 October, 2008 (APPENDIX-I)

2.6 The Committee note that the State Level Committee on redressal of Public Grievances neither exercises any executive, legislative or judicial powers nor would it wield any influence by way of patronage. The said Committee also does not have the powers of appointment/removal. The Committee also note that the members of the State Level Committee will not be paid remuneration, House rent allowance except TA according to Rule 32 of Rajasthan Travelling Allowance for attending the sittings of the Committee. The Committee further note that the functions of the State Level Committee are advisory in nature.

2.7 The Committee, feel that participation of members of Parliament to State Level Committee on Redressal of Public Grievance could hardly be construed as holding office of profit in the State Government. The Committee therefore, recommend that a member of Parliament nominated as member of State Level Committee on Redressal of Public Grievances, Rajasthan should be exempted from disqualification for being chosen as, or for being a member of Parliament under Article 102 (1) (a) of the Constitution.

NEW DELHI

December, 2008
Agrahayana, 1930 (Saka)

CHANDRA BHUSHAN SINGH,
Chairman,
Joint Committee on Offices of Profit

APPENDIX-I

(Vide paras 1.4 and 2.5 of Chapters I and II of the Report respectively)

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**EXTRACTS OF THE MINUTES OF THE NINETEENTH SITTING OF THE
JOINT COMMITTEE ON OFFICES OF PROFIT
(FOURTEENTH LOK SABHA)**

The Committee sat on Friday, 3 October, 2008, from 1500 hrs. to 1610 hrs in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Chandra Bhushan Singh - Chairman

MEMBER (LOK SABHA)

2. Shri Ashok Argal
3. Shri Rajiv Ranjan 'Lalan' Singh
4. Shri Mohan Jena
5. Shri S. K. Kharventhan
6. Shri G. Nizamuddin
7. Shri Nikhilananda Sar

MEMBER (RAJYA SABHA)

8. Shri Silvius Condpan

SECRETARIAT

Shri R.S. Misra - Director

Shri Kusal Sarkar - Deputy Secretary-II

2. At the outset, the Chairman welcomed the members to the sitting of the Committee.

4. Thereafter, the Committee considered Memoranda No.25 regarding examination of Composition and Character of Nehru Yuva Kendra Sangathan. The Committee noted that the Nehru Yuva Kendra Sangathan is constituted under the Societies Registration Act, 1860 and the Chairman, President, Vice President of such institutions are exempted from disqualification for being chosen as or for being a Member of Parliament under the Parliament (Prevention of Disqualification) Act,1959 (as amended in 2006). The Committee were ,therefore, of the opinion that there seemed to be little justification for debarring other members of the Sangathan for being chosen as or being Members of Parliament either.

The Committee, therefore felt that the Member of Parliament, if nominated to the Board of Governors of Nehru Yuva Kendra Sangathan might be exempted from disqualification for being chosen as, or for being a Member of Parliament.

5. Thereafter the Committee considered Memorandum No.26 regarding nomination of Member of Parliament to the State Level Committee on Redressal of Public Grievances. The Committee noted from the information furnished by the Government of Rajasthan that the power of appointment of members of the Committee lies with the Government. Further, the functions of the Committee are advisory in nature and it neither exercises judicial nor legislative powers and also neither confers powers of disbursement of funds nor would wield influence or power by way of patronage. The Committee also noted that no remuneration and other allowances would be payable to the members of the Committee. Members will only be given TA according to Rule 32 of Rajasthan Travelling Allowance Rules for attending the meetings of the Committee.

The Committee therefore felt that the Member of Parliament, if nominated to the said Committee should be exempted from disqualification for being chosen as, or for being a Member of Parliament.

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The Committee then adjourned.

APPENDIX-II

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EXTRACTS OF THE MINUTES OF THE TWENTIETH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (FOURTEENTH LOK SABHA)

The Committee sat on Thursday, 18 December, 2008, from 1500 hrs. to 1545 hrs in Chairman's Room No. 136, First Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Chandra Bhushan Singh - Chairman

MEMBER (LOK SABHA)

2. Shri Ananth Kumar
3. Shri Mohan Jena
4. Shri S. K. Kharventhan
5. Shri Nikhilananda Sar

SECRETARIAT

Shri P.K. Grover - Joint Secretary
Shri R.S. Misra - Director
Shri Kusal Sarkar - Deputy Secretary-II

2. At the outset, the Chairman welcomed the members to the sitting of the Committee.

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6. The Committee, then took up the draft Ninth and Tenth Reports for consideration and adopted the same without any modification. Thereafter, the Committee authorized the Chairman to present the same to Parliament.

The Committee then adjourned.