

CB-II No.

JOINT COMMITTEE ON OFFICES OF PROFIT

(SIXTEENTH LOK SABHA)

FOURTH REPORT

Presented to Lok Sabha on 13.08.2015

Laid in Rajya Sabha on 13.08.2015



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**LOK SABHA SECRETARIAT
NEW DELHI**

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

Shri P.P. Chaudhary - Chairperson

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LOK SABHA**

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3. Adv. Sharad Bansode
4. Smt. Meenakshi Lekhi
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1. Shri K. Vijaykrishnan - Additional Secretary
2. Shri Shiv Kumar - Joint Secretary
3. Smt Rita Jaikhani - Director
4. Smt. Maya Lingi - Additional Director

INTRODUCTION

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

2. The matter covered in the Report was considered by the Committee at their sittings held on 28 May, 2015 and 15 June, 2015. The Minutes of the sittings form part of the Report and are given at Appendix-I and II.

3. The Committee examined the query as to whether the post of Assistant Professor of a University would be considered as a disqualification for being a Member of Parliament from the angle of 'Office of Profit' under Article 102 (1) (a) of the Constitution.

4. The detailed information on the issue was furnished by the Ministries of Human Resource Development (Department of Higher Education) and Law and Justice (Legislative Department) and University Grants Commission.

5. The Committee considered this Report at their sittings held on 06 August, 2015 and 11 August, 2015 and adopted it on 11 August, 2015. The Minutes of the sittings are given at Appendix-III and IV.

6. The Committee wish to express their thanks to the Ministries of Human Resource Development (Department of Higher Education) and Law and Justice (Legislative Department) and University Grants Commission for furnishing the information desired by the Committee and also to the Ministries of Human Resource Development (Department of Higher Education) and Law and Justice (Department of Legal Affairs and Legislative Department), Visva-Bharati University and University Grants Commission for tendering evidence before them.

7. The observations/recommendations made by the Committee - in respect of the matter considered by them are given at the end of this Report in bold letters. The recommendations of the Committee will, however, remain advisory in nature and as such cannot 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.

P.P. CHAUDHARY

NEW DELHI:

**Chairperson,
Joint Committee on Offices of Profit**

11 August, 2015
20 Shravana, 1937 (Saka)

REPORT

Petition of Dr. Anupam Hazra, M.P. (Lok Sabha) for statutory approval for discharging professional service as an Assistant Professor of Visva-Bharati (Central) University - 'Office of Profit', reg.

Dr. Anupam Hazra, M.P. (Lok Sabha), vide his letter dated 23.01.2015 addressed to the Hon'ble Speaker, Lok Sabha, had sought statutory approval for discharging professional service as an Assistant Professor of Visva-Bharati, a Central University, by stating that he was an Assistant Professor of Social Work Department in Visva-Bharati (Central) University, Santiniketan, District Birbhum, West Bengal, and on obtaining leave of the University Authority, he had been discharging his duties as an MP and drawing admissible salary, TA, DA, etc. He had further stated that he was interested in continuing his teaching profession in the University. For this, if there be any legal bar, he was ready to forgo his salary as an MP while he would discharge duty as an Assistant Professor. However, he would attend the House and discharge duty as an MP with leave of the University only on admissible monetary allowance and facilities as an MP. Thus, the subject for consideration before the Joint Committee on Offices of Profit was as to whether the post of Assistant Professor of a University would be considered as a disqualification for being a Member of Parliament from the angle of 'Office of Profit' under Article 102 (1) (a) of the Constitution.

1.2 The aforesaid request was not accompanied with adequate details; besides, the Joint Committee on offices of Profit have not evolved any criteria/rules to determine/judge as to whether a Member of Parliament can continue his teaching profession as an Assistant Professor in a Central University, while foregoing his salary as Member of Parliament and attend the House and discharge duty as a Member of Parliament with the leave of the University only on admissible monetary allowance and facilities as M.P. In the light of this, Secretariat, vide O.M.No.21/2/3(i)/2015/CII dated 27.2.2015 and vide O.M.No.21/2/3(i)/2015/CII dated 22.5.2015, requested the Ministries of Human Resource Development (Department of Higher Education) and Law and Justice (Legislative Department and Department of Legal Affairs), respectively, to furnish information on certain points relating to the issue. The Ministry of Human Resource Development (Department of Higher Education) have since furnished the information vide their letter dated 26

May, 2015. The gist of information, thus, furnished by them in the matter is given below:-

Dr. Anupam Hazra was appointed as Assistant Professor against advertisement number 9/2012 dated 07.07.2012. Dr. Hazra joined Visva-Bharati on 05.12.2013 retaining lien in his parent Organisation of Assam University, Silchar. Dr. Hazra was given appointment with probation of one year. He was granted Extraordinary Leave (EOL) for 45 days w.e.f. 04.04.2014 and was again granted EOL for one year from 02.06.2014 to 01.06.2015 by the University. As per Government of India rules, the period of Extraordinary Leave is not to be counted towards qualifying duty. As Dr. Hazra had not completed one year of qualifying service required for completion of probation period, the University could not take up the matter of confirmation of his services.

As regards the Visva-Bharati, it was stated that the University has been created by an Act of Parliament in 1951 [The Visva-Bharati Act of 1951 (9th May, 1951)] and has been declared to be an Institution of National Importance. The University receives 100% Grants-in-Aid from the Government of India through the University Grants Commission/Ministry of Human Resource Development. The Accounts of the University are audited by the Comptroller and Auditor General of India. As per the Act, the Annual Report and the Audited Annual Accounts are laid on the Table of both Houses of Parliament. The provisions of General Financial Rules (GFR) are applicable to Central Autonomous Organisations as per the Government of India orders.

The post of Assistant Professor of Social Work Department in Visva-Bharati, a Central University, Santiniketan, District Birbhum, West Bengal, is stated to be a permanent post. Remuneration and pay-scale attached to the post is as approved by the Government and notified by the UGC. Besides pay, all other allowances and facilities attached to the post are as applicable to the Central Government employees. The post of Assistant Professor carries Pay Band 3 (Rs.15600-39100) with Academic Grade Pay of Rs.6000/-

It was further submitted by the Department of Higher Education that all appointments and dismissal/removal, etc., of a person holding the post of Assistant Professor in Visva-Bharati are stated to be approved by the Executive Council (EC) of the University under the provisions of the Visva-Bharati Act of 1951 and the

Statutes of the University. Teachers are appointed to a permanent post in the University under a written contract with the University. Any dispute arising out of the above contract can be referred to a Tribunal of Arbitration at the request of the aggrieved teacher. The Tribunal of Arbitration consists of one member nominated by the EC, one member nominated by the teacher concerned and one member nominated by the Visitor. The Government has no role/say in the matter.

1.3 The Ministry of Law and Justice (Legislative Department) also made written submission on the issue, the gist of which is given as follows:

The Parliament (Prevention of Disqualification) Act, 1959 has been enacted to declare certain offices of profit under the Government not to disqualify the holders thereof for being chosen as, or for being, Member of Parliament. Clause (f) of Section 3 of the said Act exempts the office of Chairman or Member of the Syndicate, Senate, Executive Committee, Council or Court of a University or any other body connected with a University. This clause does not provide for exemption of Assistant Professor of an University from incurring disqualification for being chosen as a Member of Parliament.

In the matter of Hansa Jeevaraj Mehta Vs. Indubhai B. Amin and others (22.7.1952), Hansa Jeevaraj Mehta, the Petitioner, while holding the post of Vice-Chancellor filed nomination for election to the House of the People from Baroda West in 1951. Her nomination was rejected on the ground that she was holding an Office of Profit under the State of Bombay and, therefore, disqualified under article 102 (1) (a) of the Constitution. The Petitioner, however, presented a Petition before the Election Tribunal under section 81 of the Representation of the People Act, 1951 challenging the election on the ground that the same was materially affected by the improper rejection of her nomination - where the Hon'ble Tribunal, inter alia, held as follows:-

".....the disqualification provided in Article 102 (1) (a) is meant to prevent a conflict between the duties of a member of the legislature and his interests. If a member of the legislature is indebted to the Government for an office which carries profit he is likely to lose his independence of judgement and action as a member of that body. It has also been stressed in this case that the source of profit need not be the Government revenue. It is immaterial which source it comes from as long as the office one holds carries a profit."

Hence, Dr. Anupam Hazra cannot discharge duties of both posts.

1.4 For taking a holistic and considered view on the issue, the Joint Committee on Offices of Profit took oral evidence of the representatives of the Ministries of Human Resource Development (Department of Higher Education) and Law and Justice (Department of Legal Affairs and Legislative Department) on 28 May, 2015 (APPENDIX-I). The Committee also took oral evidence of the representatives of the Ministries of Human Resource Development (Department of Higher Education) and Law and Justice (Department of Legal Affairs and Legislative Department) and University Grants Commission on 15 June, 2015 on the issue (APPENDIX-II).

1.5 During evidence, the representatives of the Ministry of Human Resource Development reiterated the facts and position which had already been furnished by them in writing. In addition, the Committee were informed that Dr. Anupam Hazra was granted Extraordinary Leave (EOL) for 45 days and again for one year from 02.06.2014 to 01.06.2015 - with the approval of the Executive Council. The Committee were further apprised that Dr. Hazra had not completed one year of qualifying service required for completion of the probation period. The Committee were also apprised that Visva-Bharati was registered as a Society under the Societies Registration Act in the year 1921 and in 1951 Visva-Bharati had been created by an Act of the Parliament. So, since 1951, Visva-Bharati is no longer a society registered under the Society Registration Act.

On a pertinent query posed by the Committee as to whether Assistant Professor or Professor of an University is Government Employee, the representative of the Ministry of Human Resource Development stated that a Government servant is one who gets paid from the Civil Estimates of the Government and Asstt. Professor/Professor of a University does not fit in this category. The representative of the Ministry of Law and Justice (Legislative Department) stated that Dr. Anupam Hazra cannot discharge duties of both as Assistant Professor and Member of Parliament since this has not been provided in the statute and here principle of implied prohibition is applicable. As per section 3(F) of the Parliament (Prevention of Disqualification) Act, 1959, only the office of Chairman, or Member of the Syndicate, Senate, Executive Committee, Council or Court of a University or any other body connected with a University are exempted from disqualification for being a Member of Parliament .

1.6 During evidence on 15 June, 2015, the representative of the Ministry of Law and Justice (Department of Legal Affairs) expressed that the issue could be resolved by answering two pertinent questions, i.e. (i) the question which needed to be answered is whether office of Assistant Professor in the Visva-Bharati University is an 'office' and further an 'office of profit' and if the answer is in the affirmative, then the next relevant question would be (ii) whether the Visva-Bharati University is under the Central/State Government. He added that if the answer to both the questions is in the affirmative, then only the 'office' will attract the provisions of disqualification mentioned in Section 102 (1) (a) of the Constitution. The representative of the Ministry of Law and Justice (Department of Legal Affairs) further opined that as the office of the Assistant Professor in the University is a subsisting, permanent, substantive position - which has an existence independent from the person who filled it, as such it has all the ingredients of an 'office' and since it is attached with 'remuneration' in the form of pay, etc., it would constitute an 'office of profit'. The witness further inferred that the Visva-Bharati University is a Central University established under an Act of Parliament and its executive decisions are taken by the Executive Council of the University, while 100 per cent financial aid is given by the Central Government via the University Grants Commission. Control of the Central Government ends there as the University is governed by its own Act. Executive decisions like appointment/removal of the teaching faculty in the University are taken by the Executive Council of the University. To support his submission before the Committee further, the representative of the Ministry of Law also cited a few cases decided by the Apex Court to underpin the conclusion that the post of Professor/Assistant Professor in the said University is not under the Central/State Government and hence no further enquiry was called for to settle the matter.

During evidence, on being categorically asked by the Committee to clarify the positions as obtained in the matter, the representatives of the University Grants Commission, in this context, brought to the notice of the Committee its D.O. Letter No.1-113/73(CD) dated 10 September, 1974 issued to all Vice-Chancellors of Universities and Institutions deemed to be Universities wherein the Commission had expressed the view that "the teachers who are either elected or nominated to the Parliament/State Legislatures may not be required to resign their academic position or to take long leave during the tenure of their membership. In order that the teaching work may not suffer, the University may consider prescribing the minimum

number of days that such teachers should be available for their academic teaching and the research work in the University. Such teachers should not hold any administrative position/responsibilities in the University or College during the period they are members of Parliament/Legislature."

The representative of the Commission further brought to the notice of the Committee its D.O. Letter No.F.1-113/73 (CPP) dated 6 March, 1987, which was issued in continuation of the D.O. letter dated September 10, 1974, addressed to the Vice-Chancellors/Directors of all Universities/Institutions deemed to be Universities wherein the provision in the Programme of Action on National Policy on Education viz. "..... Teachers who are elected/nominated to Parliament or State Legislature will be required to take leave of absence during their term as Member. However, in this process they will not be losing their seniority or increments " was brought to the notice of the University for appropriate action and guidance.

1.7 The Committee also took into consideration other relevant materials and provisions for a wider study of the matter under reference which are as under:-

A Central University is one that has been established or incorporated by an Act of Parliament. It is a body corporate by the name of the University, and has perpetual succession and a common seal, and can sue and be sued in the name of the University.

With reference to the Visva-Bharati University, this is affirmed in Section 4 of the Visva-Bharati Act, 1951, which states that:

*"The first Acharya (Chancellor) and Upacharya (Vice Chancellor) of the University who shall be the persons appointed in this behalf by the Central Government by notification in the Official Gazette, and the first members of the Samsad (Court) and all persons, who may hereafter become or be appointed as such officers or members, so long as they continue to hold such office or membership, are hereby constituted, a body corporate by the name of Visva-Bharati, and shall have perpetual succession and a common seal, and shall sue and be sued by that name."*¹

Such Universities are administered by an organisational set-up that is independent of the Government and are appointed independently. This is affirmed by the following provisions of the Visva-Bharti Act.

Section 13(1) of the Visva-Bharati Act with regards to the Chancellor states that –

"The successors to the first Acharya (Chancellor) shall be elected by the Samsad (Court) in the manner prescribed by the Statutes."

Section 14 of the Visva-Bharti Act with regards to the Vice-Chancellor further states that –

¹ Visva Bharti Act

“(1) The Upacharya (Vice-Chancellor) shall be the principal academic and executive officer of the University and the terms and conditions of service of the Upacharya (Vice-Chancellor) shall be as laid down by the Statutes.”

“(2) The Upacharya (Vice-Chancellor) shall exercise such powers and perform such functions as may be prescribed by the Statutes.”

“(3) The mode of appointment of the successors to the first Upacharya (Vice-Chancellor) shall be laid down in the Statutes.”

Section 18 of the Visva-Bharati Act lays down the authorities of the University being –

“(1) The Samsad (Court),

(2) The Karma Samiti (Executive Council),

(3) The Shiksha Samiti (Academic Council),

(4) The Artha- Samiti (Finance Committee);

(5) The Institute Board; and

(6) Such other authorities as may be declared by the Statutes to be authorities of the University.”

Section 19(1) of the Visva-Bharati Act with regard to the Samsad further states that:

“The constitution of the Samsad (Court) and the term or office of its members shall be such as may be prescribed by the Statutes.”

In light of the above facts, it can be well established that the University is an entity that is independent of the Government, except in the fact that it is funded by revenues of the government. Hence at best it can be classified as an “other authority”.

It is an autonomous institution and is regulated and funded by the University Grants Commission (UGC) and must comply with the UGC's recommendations. In case a University fails to comply with any recommendations made by the UGC, then the UGC, after taking into consideration the University's representation, may withhold any grants proposed to be made to the University.

However, the fact that the Government funds the University is not the criterion for ascertaining an office of profit, with the criterion being as to whether the appointment or removal to and the office is under the control of the Executive.

Constitutional Provisions with respect to Office of Profit and definition of „the State“

Article 102(1)(a) of the Constitution of India makes the holding of an office of profit by a Member of Parliament a ground for disqualification from the membership of Parliament.

The above disqualification is the result of breaching the theory of separation of powers (a basic feature of the Constitution). This ensures that the Legislature and its members are not influenced by the Executive. The intention is not to have any

conflict between the duties and interests of an elected member and to see that such an elected member can carry on freely and fearlessly his duties without being subjected to any kind of governmental pressure, implying that if an elected person is holding an office which brings him remunerations and if the Government has a voice in the functioning of that office, there is the likelihood of such persons succumbing to the wishes of the Government. These articles are intended to eliminate the possibility of such a conflict of interest so that the independence of the Legislature remains unaffected.²

This rule is not, however, without exception. Sub-Clause (a) of the said Article itself carve out an exception by empowering the Legislature to declare (by law) certain offices of profit as exempted from the operation of Articles 102(1)(a) and 191(1)(a).

Article 102(1)(a) that lays down “office of profit” as a ground for disqualification reads:

“(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament – (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder”

hence defining the State to be only to the extent of the Government of India or the Government of any State, for the purpose of disqualification for holding an office of profit.

Article 191(1)(a) is analogous to Article 102(1)(a) in respect of disqualifying a member of the Legislative Assembly or Council of a State for holding an office of profit.

Article 12 of the Constitution of India, while dealing with Fundamental Rights, however, defines the State differently and reads:

“In this part, unless the context otherwise requires, “the State” includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.”

- hence defining the State to be not only the Government of India and the Government of any State but also to be the Parliament of India, State Legislatures **and** all local or other authorities in India or under the control of such Governments.

The expression “Office of Profit” occurs in the following articles of the Constitution:

Article 18(3)

“No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.”

² Biharilal Dobray vs Roshan Lal Dobray, (1984) 1 SCC 551

Article 18(4)

“No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.”

- hence ensuring that there be no foreign influence over the Executive functions of an officer of the Government of India or the States, without the explicit permission of the highest Executive authority of the nation.

Articles 58(2) and 66(4) which lay down the Disqualifications for the election of the President and Vice-President of India on account of office of profit read as follows:

Article 58(2)

“A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.”

Article 66(4)

“A person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.”

- hence defining the State to be not only the Government of India and the Government of any State but also to be **all local** or **other authorities** in India or under the control of such Governments, for the purpose of disqualification for holding an office of profit.

Article 158 while dealing with the conditions of the Governor's office states under **Article 158(2)** that:

“The Governor shall not hold any other office of profit.”

- hence ensuring that the highest Executive authority in the State is not influenced in any manner by another authority/entity or person in the discharge of his duties and office.

Question of whether Office is held under the Government

The key test to determine as to whether Dr. Anupam Hazra is holding an **Office of Profit under the Government** is to determine if the office of an Assistant Professor is an office under the Government.

In order to determine this, the following tests shall apply as determined by this Committee and Court judgements from time to time.

That the person is holding an office where the Government has the power to appoint or dismiss the holder of the office³ attached with the following additional tests:

- a) Whether the Government pays the remuneration, that is the incidence of payment falls upon it and that it can define the pay scales and remunerations thereof*
- b) Whether the holder of the office performs his functions for the Government*
- c) Whether the Government exercises control over the performance of the functions of the office holder⁴*

- hence, with regard to the question as to whether the office of an Assistant Professor is an office under the government, the answer is in the negative due to the following reasoning:

1. University officers are not appointed by the Government but by Executive Council under the statute

There is a distinction in the discharge of duties and appointments by the President, Prime Minister, Governor, etc. when they act as Visitor, Chancellor, Rector, etc. between the exercise of the executive powers of the State and in the exercise of the offices that they hold with the Universities.

The offices of the Visitor, Chancellor, Rector, etc. cannot be equated with the Central or State Government and they cannot be placed on the same footing. Hence, appointments made by such offices cannot be deemed to be made by the Executive Governments. Further, the Legislatures have made a distinction between the appointments made by the Executive Governments and the offices mentioned. For example, certain officers such as special officers for the University are appointed by the Executive, whereas the Vice-Chancellor is appointed by the Governor as ex-officio Chancellor and not as the head of the State Executive.

Hence, it was the intention of the Legislature, while establishing the Universities under Acts of Parliament not to regard such offices to be a part of the Executive. While exercising the powers of such offices, the constitutional agents (i.e. the President, Prime Minister, Governor, etc.) are not exercising the Executive power of the State. Further, the Acts that establish the Central Universities clearly mention that such constitutional agents are officers of the University and not the State, in the discharge of their functions in the University.

Hence, the constitutional agents as officers of the University exercise their powers under the University and not the State, as has been stated in the case of *Jyoti Prasad Upadhyaya vs Kalka Prasad Bhatnagar by the Allahabad High Court*,⁵ wherein the Court held that the Vice-Chancellor of a particular University in a State was appointed by the Chancellor is not holding an office of profit as he was appointed by the Governor in his capacity as Chancellor of the University and not in exercise of the Executive powers of the State.

2. Whether the office of an Assistant Professor is an office under the Government

³ Hansa Jeevraj Mehta vs Indubhai B. Amin & Others (1952 ELR; P. 171)

⁴ Abdul Shakur vs Rikhab Chand (1958) SCR 387

⁵ Jyoti Prasad Upadhyaya vs Kalka Prasad Bhatnagar (AIR 1962 All 128)

In order to determine this question, one must go through the Acts of Parliament that establish the Central Universities. Such Acts of Parliament devolve all decision making powers for the Universities to the Executive Councils that are established under the universities.

It is these Executive Councils that shall:

- i) Administer any funds placed at the disposal of the University for specific purposes
- ii) Subject to the provisions of the Acts of Parliament and the Statutes governing the Central Universities, appoint the officers [other than the Chancellor, Vice-Chancellor, and other officers that are appointed by Statute], teachers (lecturers) and other servants of the University, and define their duties and the conditions of their service, while providing for the filling of temporary vacancies.

With reference to the Visva-Bharati University, this is affirmed in Section 22 of the Visva-Bharti Act, 1951 which states that:

“The Karma Samiti (Executive Council) shall be the executive body of the University and its constitution and the term of office of its members shall be prescribed by the Statutes.”

Section 23 (e)(f) and (i) of the Visva-Bharati University, further states that the Executive Council:

“(e) Subject to the provisions of this Act and the Statutes, shall appoint the officers [other than the Acharya (Chancellor), the Upacharya (Vice-Chancellor), and the Artha-Sachiva (Treasurer)], teachers and other servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts.”

“(f) Shall have power to accept on behalf of the University transfers of any movable or immovable property.”

“(i) May delegate, subject to such conditions as may be prescribed by the Ordinances its power to appoint officers, teachers and other servants of the University to such person or authority as the Karma Samiti (Executive Council) may determine.”

Section 39(b)(1) of the Visva-Bharati University further states that the removal of any academic staff can be made only by the Executive Council –

“No adhyapaka, or other member of the academic staff, appointed by the University shall be dismissed or removed from service or punished in any other manner by any authority other than the Karma- Samiti (Executive Council).”

The Act under Section 6 further states that the powers of the University shall allow it to appoint academic staff. This is affirmed under Section 6(17 to 27) that reads and allows it to:

“(17) to create such teaching and other academic posts as may be required by the University and to appoint persons to such posts.”

“(18) to appoint Visiting Professors, Emeritus Professors, Fellows, Scholars, Resident Artists, Resident Writers or such other persons who may contribute to the achievement of the objects of the University.”

“(19) to appoint or recognise persons as Professors, Readers or Lecturers or otherwise as adhyapakas of the University.”

“(20) to approve persons working in-

*(a) any institution co-operating, collaborating or associating with the University; or
(b) any approved institution, for imparting instruction or supervising research, or both, and to withdraw such approval.”*

“(21) to undertake publication of literary, scientific, educational and scholarly works and books on art, aesthetics and other subjects aimed at better understanding of the different cultures of the world and furthering thereby the objectives of the University.”

“(22) to appoint persons working in any other University, institution or organisation as adhyapakas of the University for a specified period.”

“(23) to create administrative, ministerial and other posts in the University and to make appointments thereto.”

“(24) to provide for the terms and conditions of service of employees, whether employed by the University or any institution.”

“(25) to regulate the conduct and duties of the employees of the University.”

“(26) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures in this regard as may be deemed necessary.”

“(27) to make arrangements for promoting the health and general welfare of the employees of the University.”

Furthermore, the Central Universities control their properties in their own name and have separate personalities than that of the Government. Hence, they and by extension, their employees cannot be treated as Government Institutions or holders of Government Offices.

This is affirmed in Section 23 (a) of the Visva-Bharati Act, 1951 which states that the Executive Council shall:

“hold, control and administer the property and funds of the University and for these purposes it shall have a Standing Finance Committee whose constitution and powers and duties shall be defined by the Statutes.”

The Visva-Bharati Act, 1951, under Section 28(1)(2) and Section 30(1), states that the power to amend, repeal or add to the Statutes and Ordinances, respectively, lies with the Executive Council –

Section 28: Statutes, how made:-

“(1) On the commencement of the Visva- Bharati (Amendment) Act, 1984 (31 of 1984), the Statutes in force immediately before such commencement, as amended by that Act, shall be the Statutes of the University.”

“(2) The Statutes may be amended, repealed or added to by Statutes made by the Karma Samiti (Executive Council).”

Section 30: Power to make Ordinances:-

“(1) The Ordinances in force immediately before the commencement of the Visva-Bharati (Amendment) Act, 1984 (31 of 1984), may be amended, repealed or added to, at any time by the Karma-Samiti (Executive Council); Provided that no Ordinance shall be made in respect of matters enumerated in section 29, other than those enumerated in clauses (e), (h), (j), (m) and (o) thereof, unless a draft of such Ordinance has been proposed by the Siksha-Samiti (Academic Council).”

Hence, the power to appoint, dismiss or change the terms of service and remuneration of lecturers rests with the University's Executive Council and not the Government.

This is substantiated by the **distinction in the Constitution of India** as demonstrated by the framers of the text. As stated above, the Constitution provides for a distinction **between Articles 12, 58(2), 66(4) on the one side and Article 102(1)(a) on the other.**

Under **Articles 58(2)** and **66(4)**, while dealing with the eligibility for election as President or Vice-President of India the Constitution lays down that a person shall not be eligible for election if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Government.

Article 12 of the Constitution defines the State for the purpose of Part III of the Constitution of India, to be not only the Government of India and the Government of any State but also to be that of the Parliament of India, State Legislatures and **all local or other authorities** in India or **under the control of such Governments.**

Article 102(1)(a), on the other hand, while dealing with membership of either House of Parliament, points out that disqualification arises only if the person holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder.

Hence, in the election of the President and Vice-President, disqualification arises even if the candidate is holding an office of profit under a **local or any other authority under the control of the Government or State Government**, while in the case of a candidate for election as a Member of Parliament, no such disqualification is laid down by the Constitution if the office is held under a local or any other authority under the Government.

This has been observed and established in the judgement of *D. R. Gurushantappa vs Abdul Khaddus Anwar (AIR 1969 SC 744; 3 SCR 425)*, wherein it was held that *despite the fact that Government control existed over the office under consideration, the distinction between Articles 58(2), 66(4) and 102(1)(a) and by extension 191(1)(a) ensured that disqualification did not apply under Article 191(1)(a) of the Constitution.*

This clearly indicates that the office of an Assistant Professor does not disqualify a person from being a Member of Parliament as it does not fall under the Government of India or the Government of any State.

This is due to the fact that as stated above a University is an independent and autonomous institution and its officers and following thereof – the office of an Assistant Professor – does not constitute an office under the Government. The Central University, in this case the Visva-Bharti University, can at best be termed as an “other authority” and hence an office under it does not hold an office of profit to disqualify a Member of Parliament under Article 102(1)(a).

Question of whether Profit is drawn from the Government

The following reasoning holds to ascertain that University officers, including Assistant Professors, receiving salary and other emoluments from a University that is funded by the Government are not drawing profit from the Government:

1. The employees of the University, including Assistant Professors, draw their salary and allowances from the “**funds of the university**” and not that of the Government.
2. The funds contributed by the Government through the UGC are deposited in approved **bank accounts of the University** and **in the name of the University**. These accounts are operated by the Registrar/Treasurers or Financial Officers of the University and the Government does not hold any executive decision making power over the usage of such accounts.
As has been established in the judgement of *Hari Das vs Hira Singh Pal and Others (ELR Vol. IV; 1953; p.468)*,⁶ wherein it was held that an employee of a University was not a holder of office of profit under the Government as the Government had no hand in the administration of the University and the employees drew their salaries and allowances from the University funds.
3. The Government’s contribution does not in any manner change the source of the University officers’ salary and emoluments. Once the Government’s grant reaches the UGC fund for disbursement to the University fund and is deposited in the bank accounts of the University, it loses its original character and becomes a constituent of the University fund, ceasing to be Government money and hence the Government has no control over this fund.

Hence the University and its officers do not draw any profit from the Government as:

- a) The character of the funds from the Government changes upon transfer to the University and becomes funds under the University
- b) The Government has no further control over such funds after transfer, except for the purpose of compliance audits.
This has been established in the judgement of *Hansa Jeevraj Mehta vs Indubhai B. Amin & Others (1952 ELR; P.171)*,⁷ wherein it was observed that the character of the funds changed when they are transferred from the Government to the University fund.

With reference to the Visva-Bharti University, this is affirmed in Section 23(a)(c)(d) of the Visva-Bharti Act, 1951 which states that the Karma Samiti (Executive Council) shall:

⁶ Hari Das vs Hira Singh Pal and Others (ELR Vol. IV; 1953; p.468)

⁷ Hansa Jeevraj Mehta vs Indubhai B. Amin & Others 1952 ELR; P.171

“(a) Shall hold, control and administer the property and funds of the University and for these purposes it shall have a Standing Finance Committee whose constitution and powers and duties shall be defined by the Statutes.”

“(c) Shall submit to the Central Government annually a full statement of the financial requirements of the University.”

“(d) Shall administer any funds placed at the disposal of the University for specific purposes.”

hence confirming that the holder of the office of an Assistant Professor at the Visva-Bharati University does not draw any profit from the Government in any form.

1.8 Hence the opinion being that Dr. Anupam Hazra as a Member of Parliament does not hold an office of profit by holding the office of an Assistant Professor at the Visva-Bharati University and is hence not disqualified from the Parliament under Article 102(1)(a) of the Constitution of India.

As he is not holding an office under the Government, he cannot be appointed or dismissed from office by the Government as stated above. Nor does he hold an office that draws profit from the Government as stated above.

This is due to the facts that the mode of appointment and removal of the post of Assistant Professor at the Visva-Bharati University is not under the control of the Government and has been held to be under the exclusive control of the authorities of the University via its Karma Samithi (Executive Council).

It has also been held that while the University is funded by 100% grants from the Central Government, such fund's character and ownership changes when they pass to the University from the Central Government via the UGC. Hence, the salary and emoluments for the post of Assistant Professor is funded out of the funds of the University and not the Central Government. Hence the Assistant Professor does not hold an office of profit under the Government.

It has ultimately been held that the Government has no executive control over the post of the Assistant Professor at the Visva-Bharati University. Hence there is no conflict of interest in the discharge of the Member of Parliaments duties towards the nation.

Therefore, Dr. Anupam Hazra can hold both the offices of Member of Parliament and that of Assistant Professor at the Visva-Bharati University, as under Article 102(1)(a)', the office of Assistant Professor does not qualify as an office of profit under the Government.

Further', it is held by the Joint Committee on Offices of Profit that since the office of Assistant Professor at the Visva-Bharati University is not an office under the Central Government in the absence of vital requirements, the University may resolve the matter on its own in light of the specified service requirements.

In doing so, the Committee recommends that the directions of the UGC Circular dated 10 September, 1974 and 06 March, 1987 and the circulars issued from time to time regulating the service conditions of teachers be strictly followed by the University.

The UGC, in its circular dated 10 September, 1974 states that –

“The teachers who are either elected or nominated to the Parliament/State Legislatures may not be required to resign their academic position or to take long leave during the tenure of their membership. In order that the teaching may not suffer, the University may consider prescribing the minimum number of days that such teachers should be available for their academic teaching and the research work in the University. Such teachers should not hold any administrative position/responsibilities in the University or College during the period they are members of Parliament/Legislature.”

The above letter must be read in the light of another UGC circular dated 06 March, 1987 which states that –

“.....Teachers who are elected/nominated to Parliament or State Legislature will be required to take leave of absence during their term as Member. However, in this process they will not be losing their seniority or increments.”

This is in line with Article 171(3)(c) of the Constitution of India that reads –

“as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament.”

The judgment of the Andhra Pradesh High Court in the case of *Kethamreddi Venkata Ramana Reddi vs Government of Andhra Pradesh and Others (AIR 1985 Andhra Pradesh 73)* is also relevant. The Court, in this case, held that teachers who are elected to the Legislative Council of the State cannot simultaneously continue as a teacher and be granted long leave, or a similar leave of absence during his membership of the Council so that, after serving his term, he can come back as a teacher.

1.9 The Committee observe that office under Visva-Bharati University is not an office "under Government" and at the most it is an office "under other authority" within the scheme & meaning of the Constitution of India. In view of this, the Committee is of the considered opinion that Dr. Anupam Hazra as a Member of Parliament does not hold an office of profit by holding the office of an Assistant Professor at the Visva-Bharati University & hence, does not attract any disqualification for being a Member of Parliament under Article 102(1) (a) of the Constitution of India.

P.P. CHAUDHARY

NEW DELHI:

Chairperson,
Joint Committee on Offices of Profit

August, 2015

Shravana, 1937 (Saka)

APPENDIX-I

(vide para 1.4 of the Report

EXTRACTS OF THE MINUTES OF THE SIXTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (SIXTEENTH LOK SABHA) HELD ON 28 MAY, 2015

The Committee met on Thursday, 28 May, 2015 from 1015 hrs to 1315 hrs. in Committee Room No. 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri P.P. Chaudhary - Chairperson

MEMBERS

LOK SABHA

2. Smt. Meenakshi Lekhi
3. Shri Bhagwant Maan
4. Shri M. K. Raghavan
5. Prof. Saugata Roy
6. Dr. Satya Pal Singh

RAJYA SABHA

7. Shri Dilipbhai Pandya
8. Shri Sukhendu Sekhar Roy
9. Shri K.C. Tyagi

SECRETARIAT

1. Shri R.S. Kambo - Joint Secretary
2. Shri Shiv Kumar - Director

3. Smt. Maya Lingi - Additional Director

REPRESENTATIVES OF THE MINISTRIES

MINISTRY OF LAW AND JUSTICE

(i) LEGISLATIVE DEPARTMENT

1. Dr. Sanjay Singh - Secretary
2. Dr. Mukulita Viyayawargiya - Additional Secretary

(ii) DEPARTMENT OF LEGAL AFFAIRS

1. Shri D. Bhardwaj - Additional Secretary
2. Shri R.S. Verma - Deputy Legal Advisor

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(i) DEPARTMENT OF HIGHER EDUCATION

1. Shri Satyanarayan Mohanty Secretary (Department of Higher Education)
2. Shri Sukhbir Singh Sandhu Joint Secretary (CU& L)

(ii) VISVA-BHARATI (CENTRAL) UNIVERSITY

1. Prof.Sushanta Dattagupta Vice-Chancellor
2. Shri Atul Prakash Trivedi Finance Officer & in-charge Registrar

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2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee and briefly apprised them about the agenda of the meeting i.e (i) oral evidence of the representatives of the Ministries of Human Resource Development (Department of Higher Education) and Law and Justice (Department of Legal Affairs and Legislative Department) - in connection with Petition of Dr. Anupam

Hazra, MP (Lok Sabha) re: Statutory approval for discharging professional service as an Assistant Professor of Visva-Bharati (Central) University

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3. The representatives of the Ministries of Law and Justice (Department of Legal Affairs and Legislative Department) and Human Resource Development (Department of Higher Education) and Visva Bharati (Central) University were, then, ushered in.

4. At the outset, the Chairperson welcomed the representatives of the Ministries and Visva- Bharati (Central) University to the sitting of the Committee and apprised them in details about the purpose of this oral evidence.

5. Thereafter, the representative of the Ministry of Human Resource Development (Department of Higher Education) informed the Committee that Dr. Anupam Hazra joined Visva-Bharati as Assistant Professor in the Department of Social Work on 05.12.2013 retaining lien in his parent Organisation i.e. Assam (Central) University, Silchar. Dr. Hazra was given appointment with probation of one year. He was granted Extraordinary Leave (EoL) for 45 days w.e.f 04.04.2014 and was again granted EoL for one year from 02.06.2014 to 01.06.2015 - with the approval of the Executive Council. The Committee were further apprised that Dr. Hazra had not completed one year of qualifying service required for completion of the probation period.

6. The Committee was also apprised that Visva-Bharati was registered as a Society under Societies Registration Act in the year 1921 and in 1951 Visva-Bharati has been created by an Act of the Parliament [The Visva-Bharati Act of 1951(9 May, 1951)] and has been declared to be an Institution of National Importance. The University receives 100% Grants-In-Aid from the Government of India through UGC/MHRD. Since 1951, Visva-Bharati is no longer a society registered under Society Registration Act. On a query as to whether Assistant Professor or Professor of an University is Government Employee, the representative of the Ministry stated that the Government servant is one who gets paid from the Civil estimates of the Government and Asstt. Professor/Professor of a University does not fit in this

category. It was also stated that Dr. Anupam Hazra can't discharge duties of both as Assistant Professor and Member of Parliament since this has not been provided in the statute and here principle of implied prohibition is applicable. As per section 3(F) of the Parliament (Prevention of Disqualification) Act, 1959 only the office of Chairman, or Member of the Syndicate, Senate, Executive Committee, Council or Court of a University or any other body connected with a University are exempted from disqualification for being a Member of Parliament . On being asked about a Circular issued by University Grants Commission - where permission has been granted to teacher to continue teaching profession in University/College - despite being elected to State Assemblies or Parliament, the representative of MHRD stated that he is not aware of that.

7. In accordance with Article 102 of the Constitution, "a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament - (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;". On the fact of the case, it was not clear as to whether, the University under reference is under Government and the office held by Dr. Anupam Hazra is office under Government. In view of this and the entailing discussion, the Committee could not arrive at any decisive conclusion in the matter and decided to take further oral evidence of the representative of UGC on the issue and also asked the representative of Ministry of Law & Justice (Legislative Department) to apprise them about latest Judgments of the Supreme Court - more pertinent to the issue before the Committee.

8. Thereafter, the Hon'ble Chairperson thanked the representatives of the Ministry of Human Resource Development (Department of Higher Education) and Visva - Bharati (Central) University for tendering evidence before the Committee.

9. The representatives of the Ministry of Human Resource Development (Department of Higher Education) and Visva - Bharati (Central) University, then, withdrew.

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The Committee then adjourned.

APPENDIX-II

(vide para 1.4 of the Report)

**EXTRACTS OF THE MINUTES OF THE SEVENTH SITTING OF
THE JOINT COMMITTEE ON OFFICES OF PROFIT (SIXTEENTH LOK SABHA)
HELD ON 15 JUNE, 2015**

The Committee met on Monday, 15 June, 2015 from 1100 hrs to 1330 hrs. in Committee Room No. '53', Parliament House, New Delhi.

PRESENT

Shri P.P. Chaudhary - Chairperson

MEMBERS

LOK SABHA

2. Smt. Meenakshi Lekhi
3. Shri Bhagwant Maan
4. Shri M. K. Raghavan
5. Prof. Saugata Roy
6. Dr. Satya Pal Singh

RAJYA SABHA

7. Shri C.P. Narayanan
8. Shri Dilipbhai Pandya
9. Shri K.C. Tyagi

SECRETARIAT

1. Shri Shiv Kumar - Director
2. Smt. Maya Lingi - Additional Director

REPRESENTATIVES OF THE MINISTRIES

MINISTRY OF LAW AND JUSTICE

(i) LEGISLATIVE DEPARTMENT

1. Smt. Reeta Vasistha Additional Secretary
2. Shri R.S. Jayakrishnan Assistant Legislative Counsel

(ii) DEPARTMENT OF LEGAL AFFAIRS

1. Shri P.K. Malhotra Law Secretary
2. Shri D. Bhardwaj Additional Secretary
3. Shri R.S. Verma Deputy Legal Adviser

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(i) DEPARTMENT OF HIGHER EDUCATION

1. Shri V. S. Oberoi Secretary
2. Shri Sukhbir Singh Sandhu Joint Secretary (CU& L)

(ii) VISVA-BHARATI (CENTRAL) UNIVERSITY

1. Prof. Sapan Kumar Datta Pro-Vice-Chancellor
2. Shri M.M. Mitra Registrar
3. Shri Atul Prakash Trivedi Finance Officer

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2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee and briefly apprised them about the agenda of the meeting, i.e xx xx xx xx

(ii) to take oral evidence of the representatives of the Ministries of Human Resource Development (Department of Higher Education) and Law and Justice (Department of Legal Affairs and Legislative Department) in connection with Petition of Dr. Anupam Hazra, MP (Lok Sabha) re: Statutory approval for discharging professional service as an Assistant Professor of Visva-Bharati (Central) University; xx

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4. The representatives of the Ministries of Law and Justice (Department of Legal Affairs and Legislative Department) and Human Resource Development (Department of Higher Education) and Visva Bharati (Central) University were, then, ushered in.

5. At the outset, the Chairperson welcomed the representatives of the Ministries and Visva-Bharati (Central) University to the sitting of the Committee and apprised them in detail about the purpose of the oral evidence.

6. Thereafter, the Chairperson briefly apprised the Members about the relevant facts of the case as had been brought out by the representative of the Ministry of Human Resource Development (Department of Higher Education) before the Committee in the earlier sitting. The Chairperson recalled that the representative of the Ministry of Law and Justice (Legislative Department) opined in the earlier sitting that Dr. Anupam Hazra cannot discharge duties of both an Assistant Professor and Member of Parliament simultaneously since this has not been provided in the statute and here principle of implied prohibition is applicable. The Chairperson further added that from the facts of the case and deliberations on the issue, it could not be settled in the previous sitting as to whether the University under reference can be purely termed as a University under Government and the office held by Dr. Anupam Hazra is office under Government. To ascertain and understand the position

obtained in the case before the Committee, it was decided to take further oral evidence of the representative of UGC on the issue and the Committee had also asked the representative of the Ministry of Law & Justice (Legislative Department) to apprise them about the latest judgments of the Supreme Court more pertinent to the issue before the Committee. Thereafter, the Committee raised the most pertinent query as to whether Assistant Professor or Professor of a University can be construed as a Government Employee. The representative of the Ministry of Human Resource Development stated that the Government servant is one who gets paid from the Civil estimates of the Government and Asstt. Professor/Professor of a University does not fit in this category.

7. During evidence presenting the instant case/issue by way of a simple proposition of deductive logic, the representative of the Ministry of Law and Justice expressed that the issue could be resolved by answering two pertinent questions, i.e. (i) the question which needed to be answered is whether office of Assistant Professor in the Visva-Bharati University is an 'office' and further an 'office of profit' and if the answer is in the affirmative, then the next relevant question would be (ii) whether the Visva-Bharati University is under the Central/State Government. He added that if the answer to both the questions is in the affirmative then only the 'office' will attract the provisions of disqualification mentioned in Section 102 (i) (a) of the Constitution.

8. The representative of the Ministry of Law further opined that as the office of the Assistant Professor in the University is subsisting, permanent, substantive position which has an existence independent from the person who filled it, as such it has all the ingredients of an 'office' and since it is attached with 'remuneration' in the form of pay, etc., it would constitute an 'office of profit'. The witness further inferred that the Visva-Bharati University is a Central University established under an Act of Parliament and its executive decisions are taken by the Executive Council of the University; while 100 per cent financial aid is given by the Central Government via the University Grants Commission, control of the Central Government ends there as the University is governed by its own Act. Executive decisions like appointment/removal of the teaching faculty in the University are taken by the Executive Council of the University. To support his submission before the Committee further, the representative of the Ministry of Law also cited a few cases decided by the Apex Court to underpin the conclusion that the post of

Professor/Assistant Professor in the said University is not under the Central/State Government and hence no further enquiry is called for to settle the matter.

9. After deliberating on the issue, the Committee underlined the fact that a lecturer appointed by the Executive Committee of the University cannot be said to be an appointee of the Central Government. As it is not an office under the Government, then, no business of the University is under the Government, so that Government control on the University is limited with respect to funding and not beyond that, and hence provisions of article 102 (i) (a) cannot be attracted.

The Committee eventually concluded that since the office of Professor/Assistant Professor cannot be reckoned as an office under the Central Government in the absence of vital ingredients, the Visva-Bharati University may resolve the matter by having a positive attitude in the light of UGC Circular of 10 September, 1974 which stated that continuance of teaching work by the teacher elected or nominated to the Parliament/State Legislature may not be required to resign their academic position or to take long leave during the tenure of their membership. It further stated that in order to ensure that the teaching work may not suffer, the University may consider prescribing the minimum number of days for which such teachers should be available for their academic teaching and the research work in the University such teachers should not hold any administrative position/responsibilities in the University or college during the period they are Members of Parliament/Legislature. In this context another Circular of UGC dated 6 March, 1987 - much relevant to the present context was also brought to the notice of the Committee during the course of evidence; which brought forth the following extracts of the Programme of Action on National Policy on Education to the notice of Vice-Chancellors of all Universities for appropriate action and guidance that the teachers who are elected/nominated to Parliament or State Legislature will be required to take leave of absence during their term as Member. However, in this process, they will not be losing their seniority or increments.

10. Thereafter, the Hon'ble Chairperson thanked the representatives of the Ministry of Human Resource Development (Department of Higher Education) for appearing before them & tendering evidence.

11. The representatives of Human Resource Development (Department of Higher Education), then, withdrew.

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The Committee then adjourned.

APPENDIX-III

EXTRACTS OF THE MINUTES OF THE TENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (SIXTEENTH LOK SABHA) HELD ON 6 AUGUST, 2015

The Committee met on Thursday, 6 August, 2015 from 1500 hrs to 1630 hrs. in Hon'ble Chairperson's Room (No.135), Parliament House Annexe, New Delhi.

PRESENT

Shri P.P. Chaudhary - Chairperson

MEMBERS

LOK SABHA

2. Shri T.G. Venkatesh Babu
3. Smt. Meenakshi Lekhi
4. Prof. Saugata Roy
5. Dr. Satya Pal Singh

RAJYA SABHA

6. Shri C.P. Narayanan
7. Shri Dilipbhai Pandya
8. Shri Sukhendu Sekhar Roy
9. Shri K.C. Tyagi

SECRETARIAT

1. Shri Shiv Kumar - Joint Secretary
2. Smt. Rita Jaikhani - Director
3. Smt. Maya Lingi - Additional Director

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them about the agenda of the sitting.

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4. Thereafter, the Committee considered the draft Fourth Report : Petition of Dr. Anupam Hazra, M.P. (Lok Sabha) for statutory approval for discharging professional service as an Assistant Professor of Visva - Bharati (Central) University - 'Office of Profit' regarding. The Committee debated and deliberated it extensively but could not come to a conclusion as regards its adoption. Accordingly the Committee decided to discuss the draft Report further in the next sitting of the Committee.

The Committee, then adjourned.

APPENDIX-IV

EXTRACTS OF THE MINUTES OF THE ELEVENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (SIXTEENTH LOK SABHA) HELD ON 11 AUGUST, 2015

The Committee met on Tuesday, 11 August, 2015 from 1500 hrs to 1530 hrs. in Hon'ble Chairperson's Room (No.135), Parliament House Annexe, New Delhi.

PRESENT

Shri P.P. Chaudhary - Chairperson

MEMBERS

LOK SABHA

2. Smt. Meenakshi Lekhi
3. Prof. Saugata Roy
4. Dr. Satya Pal Singh
5. Smt. Supriya Sule

RAJYA SABHA

6. Shri Naresh Agrawal
7. Shri C.P. Narayanan
8. Shri Dilipbhai Pandya
9. Shri Sukhendu Sekhar Roy

SECRETARIAT

1. Shri Shiv Kumar - Joint Secretary
2. Smt. Rita Jaikhani - Director
3. Smt. Maya Lingi - Additional Director

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them about the agenda of the sitting.
3. Thereafter, the Committee considered the revised draft Fourth Report : Petition of Dr. Anupam Hazra, M.P. (Lok Sabha) for statutory approval for discharging professional service as an Assistant Professor of Visva - Bharati (Central) University - 'Office of Profit' regarding.
4. The Committee considered and adopted the revised draft Fourth Report without any amendment.
5. The Committee also authorized the Chairperson to finalize the Report and present the same to the Parliament in the current Monsoon Session, 2015.

The committee, then adjourned.