

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

**SEVENTEENTH REPORT**

Presented to Lok Sabha on 03.02.2007

Laid in Rajya Sabha on 03.02.2007



**LOK SABHA SECRETARIAT  
NEW DELHI**

**February, 2017/Magha, 1938(Saka)**

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## CONTENTS

	<b>PAGE</b>
COMPOSITION OF THE JOINT COMMITTEE ON OFFICES OF PROFIT	(iii)
INTRODUCTION.....	(v)

## REPORT

### **Election/Nomination of a Member of Rajya Sabha to the National Social Security Board (NSSB) for Unorganized Workers**

#### APPENDICES

- APPENDIX-I**      **Extracts of the Minutes of the Thirty Eighth Sitting of the Joint Committee on Offices of Profit (Sixteenth Lok Sabha) held on 14 October, 2016.**
- APPENDIX-II**    **Extracts of the Minutes of the Forty Second Sitting of the Joint Committee on Offices of Profit (Sixteenth Lok Sabha) held on 24 January, 2017.**

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

**\$ Dr. Satyapal Singh** - **Chairperson**

**MEMBERS**  
**LOK SABHA**

2. Shri T.G. Venkatesh Babu
3. Adv. Sharad Bansode
4. Smt. Meenakshi Lekhi
5. Shri Bhagwant Maan
6. Shri M.K. Raghavan
7. Prof. Saugata Roy
8. Smt. Supriya Sule
- # 9. Kunwar Pushpendra Singh Chandel
- #10. Shri Janardan Mishra

**RAJYA SABHA**

11. Shri Naresh Agrawal
12. Shri C.P. Narayanan
13. Shri Dilipbhai Pandya
14. Shri Sukhendu Sekhar Roy
- \*15. Shri Sharad Yadav

**SECRETARIAT**

- |    |                            |   |                     |
|----|----------------------------|---|---------------------|
| 1. | Shri U.B.S. Negi           | - | Joint Secretary     |
| 2. | Smt Rita Jailkhani         | - | Director            |
| 3. | Smt. Maya Lingi            | - | Additional Director |
| 4. | Shri T.R. Nauriyal         | - | Deputy Secretary    |
| 5. | Shri S. Lal Engzau Ngaihte | - | Committee Officer   |

\$ Appointed as Chairperson vide Bulletin Part-II dated 19.07.2016 (Para No.3780) vice Shri P.P. Chaudhary resigned from the Chairpersonship of the Committee w.e.f. 05.07.2016

# Nominated as Member of the Committee vide Bulletin Part-II dated 02.08.2016 (Para No.3952) vice Shri P.P. Chaudhary and Shri Arjun Ram Meghwal resigned from the membership of the Committee consequent upon their appointment as Minister w.e.f. 05.07.2016.

\* Shri Sharad Yadav nominated as Member of the Committee vide Bulletin Part-II dated 02.08.2016 (Para No.3952)

## INTRODUCTION

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

2. At their sitting held on 14 October, 2016, the Committee examined the term, composition, character, functions, etc., of the National Social Security Board (NSSB) with a view to consider as to whether the Nomination of Member of Rajya Sabha to the National Social Security Board (NSSB) would attract disqualification from the angle of 'office of profit' under Article 102 (1) (a) of the Constitution of India.

3. The Committee considered and adopted this Report at their sitting held on 24 January, 2017,

4. The Committee wish to express their thanks to the Ministry of Labour and Employment; Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) for furnishing the information desired by the Committee for detailed examination of the issues involved in the matter.

5. 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.

**NEW DELHI:**

**31 January, 2017**

**11 Magha, 1938 Saka**

**DR. SATYAPAL SINGH**

**Chairperson,**

**Joint Committee on Offices of Profit**

## REPORT

### **Subject : Nomination of one Member of Rajya Sabha to the National Social Security Board (NSSB) .**

In his D.O Letter No. M.21021/01/2016-RW dated 11.02.2016 addressed to Hon'ble Chairman, Rajya Sabha, Hon'ble Minister of State (IC) for Labour & Employment has stated that Section 5 of the Unorganised Workers Social Security Act, 2008 provides for constitution of National Social Security Board (NSSB) to advise the Central Government on matters arising out of the administration of the said Act. Further, Section 5(2)(C)(IV) provides that out of 34 members nominated by Central Government, two members shall be from Lok Sabha and one from Rajya Sabha. Hon'ble Minister has, therefore, requested the Hon'ble Chairman, Rajya Sabha to nominate one member from Rajya Sabha to NSSB.

2. While forwarding the aforesaid letter of the Hon'ble Minister, the Rajya Sabha Secretariat vide their communication dated 26.02.2016, have stated that no specific provision is found either in the Unorganised Workers' Social Security Act, 2008 and the rules framed thereunder or in the Parliament (Prevention of Disqualification) Act, 1959 regarding exemption of membership of Members of Parliament in the aforesaid Board. The Rajya Sabha Secretariat have, therefore, requested that the matter may be placed before the Joint Committee on Offices of Profit (JCOP) for its clarification/recommendation on whether their membership therein would entail any disqualification from the membership of the House on the ground of holding an 'Office of Profit'.

3. Article 102(1)(a) of the Constitution of India reads as under:

*"A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament -*

*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"*

4. Parliament has passed a law, namely the Parliament (Prevention of Disqualification) Act, 1959 (**Annexure-I**) laying down which offices would not disqualify holders thereof from the membership of Parliament. This Act also provides that if a Chairman or director or member of any statutory or non-statutory body is not entitled to any remuneration other than the compensatory allowance, he would not incur disqualification for being chosen as, or for being,

a Member of Parliament. Under Section 2 (a) of the said Act, "compensatory allowance" has been defined as any sum of "money payable to the holder of an office by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a Member of Parliament is entitled under the Salary, Allowance and Pension of Members of Parliament Act, 1954), any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office".

5. The expression "holds any office of profit under the Government" occurring in Article 102 (1) (a) has nowhere been defined precisely. However, the Joint Committee on Offices of Profit has been following the under mentioned criteria for determining as to whether an office ought or ought not to disqualify the holder thereof for being chosen as, and for being, a Member of Parliament -

- (i) whether Government exercise control over the appointment to an removal from the office an over the performance and functions of the office.
- (ii) whether the holder draws any remuneration other than the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.
- (iii) whether the body in which an office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc., or gives powers of appointment, grant of scholarships, etc., and
- (iv) whether the body in which an office is held enables the holder to wield influence or power by way of patronage.

6. The Government has enacted 'Unorganised Workers' Social Security Act, 2008 (**Annexure II**) for the Welfare of unorganised workers. The Act provides for formulation of suitable Welfare Schemes for unorganised workers on matters relating to (i) Life and disability cover; (ii) Health ad Maternity benefits (iii) Old age protection and (iv) any other benefit as may be determined by the Central Government through the National Social Security Board.

7. Social Security Board for Unorganised Workers (NSSB)

As per Section 5 (1), Chapter-III of the Act of 2008, the Central Government shall, by notification, constitute a National Board to be known as the National Social Security Board to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

## 8. Composition of the Board

As per Section 5(2) of the Act of 2008, the National Board shall consist of the following members, namely:-

- (a) Union Minister for Labour and Employment - Chairperson, ex-officio;
- (b) the Director General (Labour Welfare) - Member-Secretary, ex-officio; and
- (c) thirty-four members to be **nominated by the Central Government** out of whom
  - (i) seven representing unorganised sector workers;
  - (ii) seven representing employers of unorganised sector;
  - (iii) seven representing eminent persons from civil society;
  - (iv) **two representing members from Lok Sabha and one from Rajya Sabha;**
  - (v) five representing Central Government Ministries and Departments concerned; and
  - (vi) five representing State Governments.

Section 5(3) of the Act, provides that the Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

Section 5(4) of the Act stipulate that the number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the National Board shall be such as may be prescribed;

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.

9. As per the Unorganised Workers' Social Security (Amendment) Rules, 2009 issued by the Ministry of Labour and Employment vide notification dated 03.08, 2009 (**Annexure III**) nomination of a member under sub-clause (iv) of clause (c) of sub-section (2) of Section 5 shall be made by the Central Government in concurrence with the Chairman or Speaker of the Rajya Sabha or the Lok Sabha provided that a member referred to in this sub-rule shall cease to be a member of the Board if he ceases to be a member of the House of Parliament.

## 10. Functions of the Board

Section 5(8) of the Act provides that the National Board shall perform the following functions namely:

- (a) **recommend** to the Central Government suitable schemes for different sections of unorganised workers;
- (b) **advise** the Central Government on matters arising out of the administration of the Act as may be referred to it;
- (c) **monitor** such social welfare schemes for unorganised workers as are administered by the Central Government;
- (d) **review** the progress of registration and issue of identity cards to the unorganised workers;
- (e) **review** the record keeping functions performed at the State level;
- (f) **review** the expenditure from the funds under various schemes; and
- (g) **undertake** such other functions as are assigned to it by the Central Government from time to time.

## 11. Allowances of members

Rule 7(2) of the Unorganised Workers' Social Security Rules, 2009 issued vide notification dated 24.02.2009 (**Annexure-IV**) by the Ministry of Labour and Employment provides as under:

*"The non-official members of the Board shall be paid travelling allowance for attending the meetings of the Board at such rates as are admissible to a Group "A" officer of the Central Government and daily allowance shall be calculated at the maximum rate admissible to Group "A" Officers of the Central Government in their respective places."*

12. In 2009, the Ministry of Labour and Employment had sought opinion of the Ministry of Law & Justice (Legislative Department) as to whether nomination of two Lok Sabha Members and one Rajya Sabha Members as members of NSSB would be regarded to hold an office of profit within the meaning of Article 102 of the Constitution. While referring the decision of the Supreme Court (Shibu Soren v. Dayanand Sahay 2001) and Jaya Bachchan V. UOI 2006), the Ministry of Law & Justice were of the view that the membership to NSSB does not attract the elements necessary for the purpose of holding an office to be the office of profit under the Government (**Annexure-V**).



13. The Ministry of Law and Justice (Legislative Department) in its written submission stated as under:-

*"..... On examination, it is seen that the National Social Security Board has been constituted under Section 5 of the Unorganised Workers' Social Security Act, 2008 (33 2008), Clause (iv) of sub-section (2) of section 5 provides for nomination of two representing members from Lok Sabha and one from Rajya Sabha. Sub-section (7) of section 5 provide that the members of the Board may receive such allowances as may be prescribed for attending the meetings of the National Board. It is seen that the Ministry of Labour vide notification number G.S.R. 118 (E) dated the 24 February, 2009 has notified the Unorganised Workers' Social Security Rules, 2009. Rule 7 of the said rules provide for allowances of members and it reads as follows:-*

*"(7). Allowances of members - (1) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.*

*(2) The non-official members of the Board shall be paid travelling allowance for attending the meetings of the Board at such rates as are admissible to a Group "A" Officer of the Central Government and daily allowance shall be calculated at the maximum rate admissible to Group 'A' Officers of the Central Government in their respective places."*

*From the above, it is clear that the allowances payable to a member of the Board are covered under the 'compensatory allowance' defined in clause (a) of Section 2 of Parliament (Prevention of Disqualification) Act, 1959.*

5. As regards the functions of the Board are concerned, it may be mentioned that sub-section (8) of section 7 of the Unorganised Workers' Social Security Act, 2008 reads as follows:-

*"(8) The National Board shall perform the following functions, namely:-*

- (a) recommend to the Central Government suitable schemes for different sections of unorganised workers;*
- (b) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;*
- (c) monitor such social welfare schemes for unorganised workers as are administered by the Central Government;*

- (d) *review the progress of registration and issue of identity cards to the unorganised workers;*
- (e) *review the record keeping functions performed at the State level;*
- (f) *review the expenditure from the funds under various schemes; and*
- (g) *undertake such other functions as are assigned to it by the Central Government from time to time."*

6. *On a close reading of sub-section (8) of Section 7, it appears that the functions of the Board are advisory/recommendatory in nature and the Board does not exercise legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issues of licenses, etc. or gives powers of appointment, grant of scholarship etc.*

7. *In the light of the above, this Department is of the opinion that nomination of a member of Rajya Sabha to the National Social Security Board may not incur disqualification for being a member of Parliament under article 102 (1) (a) of the Constitution of India."*

14. Similarly, the Ministry of Law and Justice ( Department of Legal Affairs) in its written submission stated as follows:-

"3. *Attention is drawn towards Article 102 (1) of the Constitution of India, which provides that 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. The essential ingredients for attracting the said article, as settled by numerous cases, are that there must be an office, such office must be an office of 'profit', it must be under the Government of India or the Government of a State, such office must not be excluded from the operation of this sub-clause by a law made by Parliament.*

4. *As per Section 3 (i) of the Parliament (Prevention of Disqualification) Act, 1959, the office of chairman, director or member of any statutory or non-statutory body other than body covered under clause (h), is not disqualified from being a Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance. To decide the issue, therefore, it is imperative to examine the nature of Government control, functions of the Board and the allowances receivable by the member.*

5. *With respect to the issue of allowance and 'office of profit', attention is drawn to the Unorganised Workers' Social Security Rules, 2009, notified vide notification number G.S.R. 118(E) dated the 24th February, 2009, As per Rule 7 (2) of the same, the non-official members of the Board shall be entitled to travelling allowance for attending the meeting of the Board and daily allowances at such rates as are admissible to Group 'A' Officers of Central Government. The words ' as are admissible to Group 'A' officers' of the Central Government brings in an element of ambiguity as anything paid other than compensatory allowance may not be permissible. However, in the present case, the travelling and daily allowances payable to a member appear to be in consonance with the compensatory allowance as defined in section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959 and the same thus may not amount to an office of profit.*

6. *The issue whether the office in question is an office under the Government has been examined in the light of observation of Apex Court in numerous cases. In the present matter, the NSSB is a Statutory Body. Though, the section 5 (2) (c) of the Act, provides that thirty-four members will be nominated by the Central Government, reference may be made to the reply of the Ministry of Labour and Employment, wherein, it has been categorically specified that the Members of Parliament are nominated in consultation with the Speaker/Chairman. Therefore, thus, appears to be no involvement of the Government in the appointment and removal of the Members of the Board and Government control in the functioning of the statutory body appears to be limited. The constitution, power and functions performed by the Board are as per section 5 of the Act. 2008. We have perused the same and the functions appear to be advisory and recommendatory in nature.*

7. *In view of the above, we are of the view that the nomination of Member of Rajya Sabha to the Board may not be considered as an "office of profit" under the Government and Members may not incur disqualification under Article 102 (1) of the Constitution of India. "*

15. During the course of evidence undertaken by the Committee on 14.10.2016, the Secretary, Ministry of Labour and Employment briefed the Committee as under:-

*"Sir, I thank you very much for giving us the opportunity to clarify on this issue of office of profit for membership in the National Social Security Board. The Government of India passed this Act, National Social Unorganised Workers Welfare Act in the year 2008. Section 5 of the Act provides for constitution of a Board called the National Social Security Board (NSSB) to recommend to the Central Government on different*

*Schemes that can be taken up by the Government for the welfare of the unorganised workers. It is also given the mandate of monitoring the implementation and advising on the issues which arise out of the implementation of the schemes. The broad schemes that we need to cover are in the form of Life and Disability Cover for the Unorganised workers, health and maternity benefits, old-age protection and any other benefit which can be determined in the course of time.*

*Sir, under Section 13, the Government is empowered to make rules and we have made rules under this Act also. The original Board was constituted in the year 2009 with 36 members. The Chairman of the Board is the Minister of Labour and Employment, the Secretary to the Board is the Director-General Labour Welfare. There are 34 nominated members. The tenure of the Board is three years. The first Board was constituted in the year 2009 which served its tenure up to 2012. The second Board was constituted in the year 2013 and its tenure ended on 22.02.2016. Now, we have taken action for constituting third Board.*

*As per the constitution of the Board, there are three Members of Parliament-two from Lok Sabha and one from Rajya Sabha. We have had Mr. Mani Shankar Aiyar from Rajya Sabha on the second Board and for the third Board, the Lok Sabha has already nominated two Members- Shri Ramesh Bidhuri and Shri M. Venkateswara Rao. We are now awaiting nomination of a Member of Rajya Sabha on this Board.*

*As far as this Act is concerned, the Board is a statutory Board but it is purely of the nature of giving advice to the Government. It does not have any other role. Moreover, there is no pecuniary advantage for the Members of the Board. All that is being given is the compensation for the expenditure incurred for the members to attend the Board meeting. There is no pecuniary advantage as far as membership of the Board is concerned.*

*As regards disqualification for being a member on this particular Board, we have already taken the opinion of the Law Ministry and it has advised very clearly that this will not attract the provisions of disqualification.....".*

16. On being enquired by the Committee about the allowances payable to the non-official members of the Board, the Secretary, Ministry of Labour and Employment clarified as under:-

*" Sir, We have already given the papers regarding the rules also. The rules very clearly say that the allowances are decided as per the provision in Rule 7. It says that travelling allowance of an official member of the Board shall be governed by the rules*

*as applicable to him. The non-official members of the Board shall be paid travelling allowance for attending the meetings of the Board at such rates as are admissible to Group A officers."*

17. On being pointed out by the Committee about the daily allowance, the Secretary of the Ministry of Labour and Employment replied as under:

*"Sir, it is for non-official members."*

18. On being observed by the Committee that the Members of Parliament are non-officials, the Secretary of the Ministry of Labour and Employment replied as under:

*" non-officials are entitled to it."*

19. Intervening in the matter, the Secretary, Ministry of Law and Justice (Department of Legal Affairs) offered his views as follows:-

*"Sir, with respect to the issue of allowance and office of profit, which is necessary ingredient for disqualification, my submission is that attention may be drawn to the Unorganised Social Security Rules, 2009, especially, Rule 7 (2) , which says that: "Non-official members....Group A officers of the Central Government." Thus the travelling and Daily Allowance payable to a Member appear to be in consonance with the compensatory allowance as defined under Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959 and the same thus may not amount to be office of profit. Here, I will say that though the language has been loosely drafted by mixing up Group A officers, it should have been clearly brought out that the non-official members will be entitled for compensatory allowance whatever is incurred or whatever is their entitlement, nothing less than that."*

20. Responding to the observation of the Committee that there will be no problem if the language as mentioned by the Law Secretary is changed, the Secretary of the Ministry of Labour and Employment stated as under:

*"Sir, we will consult them and try and bring in an amendment whatever required."*

21. In this regard, the representative of the Ministry of Law and Justice (Legislative Department) also added as follows:-

*"Sir, Rule 7 of Unorganised Worker's Social Security Rule 2009 needs to be amended in the light of Section 2 (a) of the Act, 1959, which defines the expression*

*'Compensatory Allowance' so that there is no inconsistency regarding the Act and the Rules."*

She also added as under:

*"Sir, in the light of that the Rule needs to be amended so that the Members of Parliament can be given such allowances that fall under the expression 'Compensatory Allowance' and not more than that."*

22. On the aspect of as to whether the nominations of Members of Lok Sabha and Rajya Sabha become Government nominees, the representatives of the Ministry of Law and Justice, (Legislative Department) offered their views as follows:

*"Sir, Members from Lok Sabha and Rajya Sabha are not considered as 'Government nominees'. They are non-official Members."*

23. It that is so, then the Committee observed that the language of the rules needs to be amended. Responding to this, the representatives of the Ministry of Law and Justice, (Legislative Department) commented as under:

*"Definitely sir."*

24. In its OM dated 21.12.2016, the Ministry of Labour and Employment has stated that Rule 7(2) of UWSS Rules, 2009 has been amended and notified on 14.12.2016 (**Annexure-VI**). Amended provision of Rule 7(2) of Rules, 2009 now stipulates as under:

*"Provided that a member nominated under sub-clause (iv) of clause (c) of sub-section (2) of Section 5 of the Act shall be entitled to such travelling and daily allowance as may be admissible to them as Member of Parliament appointed in Committees and Commissions set up by the Central Government."*

**OBSERVATIONS/RECOMMENDATIONS**

25. The Committee note that Section 5 of the National Social Unorganised Workers' Welfare Act, 2008 provides for constitution of National Social Security Board (NSSB) to advise the Central Government on matters arising out of the administration of the said Act. The Act provides for formulation of suitable Welfare Schemes for unorganised workers on matters relating to (i) Life and disability cover; (ii) Health and Maternity benefits (iii) Old age protection and (iv) any other benefit as may be determined by the Central Government through the National Social Security Board. The Chairman of the Board is the Minister of Labour and Employment, and the Secretary to the Board is the Director-General Labour Welfare. The Board has 34 members nominated by the Central Government, out of which two Members of Parliament are from Lok Sabha and one from Rajya Sabha. The first Board was constituted in the year 2009 and served its tenure upto 2012. The Second Board was constituted in the year 2013 and its tenure ended on 22.02.2016. The Government has taken up action for constituting the third Board. Hon'ble Minister of State (IC) has, therefore, requested the Hon'ble Chairman, Rajya Sabha to nominate one Member from Rajya Sabha to NSSB.

26. The Ministry of Labour and Employment has submitted that the role of Members of Parliament as member of the Board or the functions of the Board is/are advisory in nature. However, the Committee observe that the functions of NSSB can not be considered purely advisory or recommendatory in nature. During the course of evidence, the Law Secretary has also pointed out that one of the functions of the Board is to monitor social welfare schemes for unorganised workers, which is purely an executive function. Nevertheless, the Committee are of the view that Members of Parliament as member of such Boards/Committees, need to be vested with powers to enable them to effectively monitor and review the schemes sponsored by the Government as otherwise nomination of Members of Parliament in such Boards/Committees etc. would serve no purpose. Against this background, the

Committee recommend that in such cases, either Members may be exempted from disqualification or the Act of 1959 may be amended accordingly.

27. The Committee also note that the nomination of three Members of Parliament (2 from Lok Sabha and 1 from Rajya Sabha) are made by the Central Government in concurrence with the Speaker of Lok Sabha and Chairman of Rajya Sabha. The Committee are of the strong view that nomination of Members of Parliament from Lok Sabha and Rajya Sabha by the Speaker or the Chairman, can not be considered as 'Government nominee'. The Committee, therefore, recommend that the relevant provision of Section 5(2) of the Act of 2008 read with Unorganised Workers' Social Security (UWSS) Rules, 2009 may be amended suitably.

28. According to the Ministry of Law and Justice, Members of Parliament are treated as non-official Members. As per Rule 7(2) of UWSS Rules, 2009, non-official members of the Board are paid travelling allowance and daily allowance for attending the meetings of the Board as are admissible to a Group "A" Officers of the Central Government. Thus, the travelling allowance/daily allowance payable to a Member is not covered by the definition of "Compensatory Allowance" as defined under Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. This may entail disqualification for being chosen as or for being a Member of Parliament. During the evidence, the Secretary of the Ministry of Labour and Employment was directed to suitably amend Rule 7(2) of UWSS, 2009, so that TA/DA payable to a Member is in consonance with the compensatory allowance as defined under Section 2(a) of the Act of 1959. As a follow up action, the Committee note that the Ministry has since then amended the relevant provision of the Rule 7(2) of UWSS Rules, 2009 according to which members nominated under section 5(2) (c)(iv) , shall be entitled to travelling and daily allowance as may be admissible to them as Member of Parliament appointed in the Committees.



29. The Committee also note that as per Section 3(i) of the Parliament (Prevention of Disqualification) Act of 1959, the office of Chairman, Director or member of any statutory and non-statutory bodies are exempted from incurring disqualification if the holder of such office is not entitled to any remuneration other than Compensatory Allowance. The Committee are, therefore, of the considered opinion that nomination of Members of Parliament to NSSB may not entail disqualification under Article 102(1)(a) of the Constitution of India provided that they are not entitled for any remuneration other than compensatory allowance as defined under Section 2(a) of the Act of 1959.

NEW DELHI:

24 February, 2017  
04 Magha, 1938 Saka

DR. SATYAPAL SINGH  
Chairperson,  
Joint Committee on Offices of Profit

