



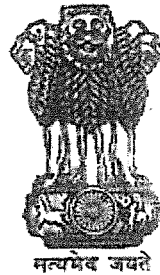
JOINT COMMITTEE ON OFFICES OF PROFIT

SEVENTEENTH LOK SABHA

**MINISTRY OF SCIENCE AND TECHNOLOGY
(DEPARTMENT OF SCIENCE AND TECHNOLOGY)**

Examination of election of Members of Parliament to the non-exempt Statutory Body,
namely, the Sree Chitra Tirunal Institute for Medical Sciences and Technology
(SCTIMST), Trivandrum

SEVENTH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

July, 2022 / *Shravana*, 1944 (Saka)

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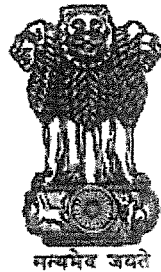
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Examination of election of Members of Parliament to the non-exempt Statutory Body,
namely, the Sree Chitra Tirunal Institute for Medical Sciences and Technology
(SCTIMST), Trivandrum

Presented to Lok Sabha on _____-2022

Laid on the Table of Rajya Sabha on _____-2022



LOK SABHA SECRETARIAT

NEW DELHI

July, 2022 / *Shravana*, 1944 (Saka)

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- I. Extracts of the Minutes of the sitting of the Joint Committee on Offices of Profit (Seventeenth Lok Sabha) held on Tuesday, 08 February, 2022. --
- II. Extracts of the Minutes of the sitting of the Joint Committee on Offices of Profit (Seventeenth Lok Sabha) held on Tuesday, 29 March, 2022. --

JOINT COMMITTEE ON OFFICES OF PROFIT
(SEVENTEENTH LOK SABHA)

Dr. Satya Pal Singh

Chairperson

Members

Lok Sabha

2. Shrimati Aparajita Sarangi
3. Shri Balashowry Vallabbhaneni
4. Shri Benny Behanan
5. Shri L.S. Tejasvi Surya
6. Shri Mahendra Singh Solanky
7. Dr. Manoj Rajoria
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9. Shri Vijay Kumar Hansdak
10. Shri Vinod Chavda

Rajya Sabha

11. Ms. Dola Sen
12. Shri Hardwar Dubey
13. Vacant*
14. Vacant*
15. Vacant*

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- | | | | |
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* Shri V. Vijayasai Reddy, MP (RS) retired w.e.f 21st June, 2022; Dr. Sasmit Patra, MP (RS) retired w.e.f. 01st July, 2022 and Shri Mahesh Poddar, MP (RS) retired w.e.f. 07th July, 2022 *vide* CB-I note dated 03rd February, 2022. A motion to fill up the casual vacancy in the Committee, consequent upon retirement of these three Members, has already been moved and adopted by the Lok Sabha on 15th March, 2022.

INTRODUCTION

I, the Chairperson, Joint Committee on Offices of Profit, having been authorized by the Committee to submit the Report on its behalf, present this Seventh Report on the examination of election of Members of Parliament to the non-exempt Statutory Body, namely, the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Trivandrum of the Ministry of Science and Technology (Department of Science and Technology).

2. At its sitting held on Tuesday, 08 February, 2022, the Committee examined the term, composition, character, functions, etc., of the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Trivandrum with a view to consider as to whether the election of Members of Parliament to the SCTIMST would attract disqualification from the angle of 'Office of Profit' under Article 102(1)(a) of the Constitution of India. The Report was considered and adopted by the Committee at its Sitting held on 29 March, 2022.

3. For facility of reference and convenience, the Recommendations / Observations of the Committee have been printed in bold letters in Part-II of the Report.

4. The Committee wishes to express its thanks to the Officials of the Ministry of Science and Technology (Department of Science and Technology) and the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) for appearing before the Committee and furnishing the information in connection with the examination of the SCTIMST.

5. The Committee would also like to place on record its deep sense of appreciation for the invaluable assistance rendered by the officials of Lok Sabha Secretariat attached to the Committee.

NEW DELHI;
07 July, 2022
16 Asadha, 1944 (Saka)

DR. SATYA PAL SINGH
Chairperson,
Joint Committee on Offices of Profit

CONFIDENTIAL

Examination of election of Members of Parliament to the non-exempt statutory body, namely, the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Trivandrum under the administrative domain of the Department of Science and Technology, Ministry of Science and Technology.

REPORT

The Rajya Sabha Secretariat (Committee Co-ordination Section) referred (Annexure-I) five non-exempt statutory bodies namely, (i) the Central Committee of the Tuberculosis Association of India; (ii) the Central Supervisory Board (CSB); (iii) the Governing Council of North-Eastern Indira Gandhi Regional Institute of Health and Medical Sciences, Shillong (NEIGRIMHS); (iv) the Indian Nursing Council and (v) the Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum for examination from the angle of 'Office of Profit'. While all the four bodies at Sl. Nos. (i) to (iv) are under the domain of the Ministry of Health and Family Welfare, the body under reference at Sl. No. (v) comes under the administrative domain of the Ministry of Science and Technology (Department of Science and Technology).

2. The instant case has been referred to this Secretariat seeking consideration by and recommendations of the Joint Committee on Offices of Profit (JCOP) on whether the Membership of MPs, in the Institute Body of the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Trivandrum would entail any disqualification under sub-clause (a) of clause (1) of article 102 of the Constitution and for placing the same before the Committee, for consideration and examination. At present, Shri Umesh G. Jadhav and Dr. Shashi Tharoor are Members of the Institute Body from Lok Sabha and seat for Rajya Sabha Member is vacant in the Institute Body.

3. Article 102 of the Constitution, *inter alia*, provides that -

“(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;”

4. In so far as the law made by Parliament is concerned, the Parliament (Prevention of Disqualification) Act, 1959 (10 of 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, a member of Parliament.

5. The instant case along with a List of Points was forwarded *vide* this Secretariat's OM No. 21/14/1/2021/CII dated 5 February, 2021 to the administrative Ministry *i.e.* the Ministry of Science and Technology (Department of Science and Technology). The Ministry *vide* their OM dated 19.03.2021 (**Annexure-II**) have informed as under :-

- (i) The SCTIMST is an Institution of National Importance created by an Act of the Parliament *viz.* the SCTIMST, Trivandrum, Act, 1980 (*hereinafter* referred to as the Act, 1980);
- (ii) As per Section 5(j) of the Act, 1980, three members of Parliament shall be elected of whom two shall be elected from among themselves by the Members of the House of the People and one from among themselves by the Members of the Council of State;
- (iii) As per Section 5(j) of the Act, 1980, the Government does not have any control over the selection of MPs in the Institute;
- (iv) As per Section 6(2) of the Act, 1980 (as amended *vide* Act No. 40 of 2005), the term of office of a Member elected under clause (j) of Section 5 shall come to an end as soon as he ceases to be a Member of the House from which he was elected or he becomes Speaker or Deputy Speaker of the House of the People, or Deputy Chairman of the Council of States, or a Minister;
- (v) Section 13 of the Act, 1980 stipulates that the Institute shall have the power to grant medical degrees, diplomas and other academic distinctions and titles under this Act;
- (vi) As per Section 32 of the Act, 1980, Institute has the power to make regulations with the prior approval of the Central Government. Institute's delegated executive powers are being exercised through Governing Body; and
- (vii) The Members of Parliament are entitled only for travelling allowance and daily allowance which come within the meaning of compensatory allowances as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

6. The Ministry further stated that the proposal to include the name of the SCTIMST, Trivandrum, an autonomous Institute under the Department of Science and Technology, under Section 3(k) of the Parliament (Prevention of Disqualification) Act, 1959, was referred to the Ministry of Law and Justice for their advice. In response, the Legislative Department of the Ministry of Law and Justice has stated that the said proposal may be considered as and when comprehensive amendments to the Parliament (Prevention of Disqualification) Act, 1959 are undertaken by them. It may be mentioned that Section 3(k) of the Parliament

(Prevention of Disqualification) Act, 1959 exempts the office of Chairman, Deputy Chairman, Secretary or Member (by whatever name called) in any statutory or non-statutory body specified in the Table of the Act. The instant body has not been mentioned in the Section 3(k) of the Parliament (Prevention of Disqualification) Act, 1959 (**Annexure-II**).

7. The Ministry *vide* their OM dated 28.06.2021 (**Annexure-III**) have clarified that the members of Parliament are not members of the Governing Body of the Institute in the light of Proviso to Section 5 and Section 10 the Act, 1980. The Ministry *vide* their OM dated 27.10.2021 (**Annexure-IV**) have further clarified that no TA/DA has been paid to members of Parliament during the last 5 years by the SCTIMST, Trivandrum for attending Institute Body Meetings.

8. In view of the above, therefore, for having a definite and conclusive opinion in the matter, the instant reference was sent to the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) for consideration of the issues as to whether the election of member of Parliament to the Institute Body of the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Trivandrum would attract disqualification from membership of the Houses of Parliament from the angle of 'Office of Profit', and to furnish their consolidated written opinion in the matter.

9. The Ministry of Law and Justice (Legislative Department) *vide* their OM F. No. 17(2)/2021-Leg.III dated 17-12-2021 (**Annexure-V**) have stated as under:-

"4. The matter has been examined by the Legislative Department and it has been noted that SCTIMST is declared as an institution of national importance under section 2 of the Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Act, 1980. Section 4 of the SCTIMST Act provides for the incorporation of SCTIMST as body corporate, inter alia, with power to sue and be sued. In pursuance of clause (j) of section 5, the SCTIMST shall consist of three Members of Parliament of whom two shall be elected from among themselves by the House of the people and one from among themselves by the Council of States. Further regarding the expenses payable to the Member of Parliament as member of the Institute, the administrative Ministry has replied that only Travelling Allowance and Daily Allowance are being paid to the extent of reimbursement of actual expenses and according to the SCTIMST Act / Rules / Regulations and executive orders issued on the subject, the Members of Parliament are entitled only for travelling and daily allowance which come within the meaning of compensatory allowances as defined under clause (a) of section 2 of the Parliament

(Prevention of Disqualification) Act, 1959.

5. *On examination of the SCTIMST Act and Rules / Regulations made thereunder regarding the provisions for pay and allowances to the President and other Members of the Institute, Chairman and Members of a standing committee or – an ad-hoc Committee, it has been noted that, section 8 of the SCTIMST Act provides that the President and other members shall receive such allowances, if any, from the Institute as may be made by rules. Further, section 10 of the SCTIMST Act provides that the Chairman and members of the Governing Body and Chairman and Members of a standing committee or an ad-hoc committee shall receive such allowances, if any, as may be made by regulations. Sub-rule (i) of rule 5 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Rules, 1981 provides that the President or other members of the Institute may draw travelling and daily allowance, if any, to which they may be eligible under the regulations.*
6. *Regulation 22 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Regulations, 1981 provides that the President and other members of the Institute, Chairman and members of the Governing body and members of various standing and ad-hoc Committees who are not employees of the Institute shall be paid travelling allowance, daily allowance and hospitality charges at rates as applicable to members of the Governing Body of Sree Chitra Medical Centre Society before the commencement of the SCTIMST Act until altered by the Institute.*
7. *In this regard, it may be noted that the Apex Court in a catena of decisions has held that an 'office of profit' is an office which is capable of yielding a profit or pecuniary gain and it is immaterial as to whether the person actually obtained monetary gain. If the pecuniary gain is "receivable" in connection with the office then it becomes an 'office of profit', irrespective of whether such pecuniary gain is actually received or not.*
8. *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 not entitled to any remuneration other than compensatory allowances. In the present case, the members of SCTIMST are entitled to hospitality charges, which are not covered under "compensatory allowance".*

9. *In the light of the discussions made above, by virtue of section 3(i) of the Parliament (Prevention of Disqualification) Act, 1959, nomination of Members of Parliament to SCTIMST, Trivandrum as Member may incur disqualification in terms of article 102(1)(a) of the Constitution.*
10. *The matter was examined by the Department of Legal Affairs and the Lok Sabha Secretariat was requested to obtain clarifications regarding provisions of regulation 22 of the SCTIMST Trivandrum Regulations 1981 from the Administrative Department vide Note No.21/14/2021/CII dated 09-10-2021 (Annexure-I). In response to this, the Administrative Ministry has clarified as under :-*

Members of Parliament who are members of the Institute are paid only travelling allowance and daily allowance in practice and not the hospitality charges as mentioned in Regulation 22 of SCTIMST, Trivandrum Regulations 1981. No TA/DA has been paid to Members of Parliament during the last 5 years by SCTIMST for attending Institute Body Meetings.

The members of Lok Sabha and Rajya Sabha elected by House of People are entitled only for travelling and daily allowances which come within the purview of compensatory allowances as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.
11. *Regarding the above mentioned clarifications given by the Administrative Ministry, it was opined by the Department of Legal Affairs that the point of the Administrative Ministry is correct up to the extent that the Members are being paid only TA/DA which comes under the purview of compensatory allowance and therefore the appointment of Members in SCTIMST may not attract disqualification. However existence of provision for 'hospitality charges' under regulation 22 makes them entitled for the same, whether actually being paid or not, and in such circumstance, it would be advisable either to remove the provisions for 'hospitality charges' from the Regulations of the Institute or to include the name of the institute under the exempt list of the Parliament (Prevention of Disqualification) Act, 1959 for the sake of clarity and certainty.*
12. *In addition to the above, it was also opined by the Department of Legal Affairs that the Lok Sabha Secretariat may further satisfy themselves of the actual amount received by the Members being covered under the definition of 'Compensatory allowance' as per section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.*

13. Regarding the proposal mentioned by the Administrative Ministry at Annexure-II, it may be mentioned that, Legislative Department has, informed the Department of Science and Technology vide this Department UO No. 17(3)/2020-Leg. III dated the 13th October, 2020 (Annexure-III) that the proposal of the Department of Science and Technology may be considered by this Department as and when the comprehensive amendment is made in the Parliament (Prevention of Disqualification) Act, 1959. It was also stated in the reply that in so far as the query of the administrative Department regarding the proposal to amend the rules and regulations made under the SCTIMST Act is concerned, the administrative Department may take a decision in the matter with the approval of the competent authority.”.

10. The matter was discussed at the sitting of the Joint Committee on Offices of Profit held on Tuesday, 8 February, 2022. During the course of evidence, the representative, Ministry of Science and Technology, submitted that :-

... there is a provision for regulation under which the President and Members of the Institute; Chairman and Members of the Governing Body; and Members of various Standing and Ad hoc Committees, who are not employees of the Institute, shall be paid travelling allowance, daily allowance and hospitality charges at rates as applicable to the Members of the Governing Body of Sree Chitra Tirunal Medical Centre Society before the commencement of the Act.

11. On being asked by the Committee as to whether the ‘hospitality charges’ is being given to the Members of Parliament, the representatives of the Ministry of Science and Technology replied that:-

... the Institute has reported that they are not giving hospitality charges to the Hon. Members who are nominated to this body. Generally speaking, the authority for hospitality charges in our Government offices and other places is officers like Secretary, and they are entitled to entertain their guests by way of hospitality charges if there are delegations from some place and you can host or something. This is the conventional sense of hospitality charges. Here, the Institute is not giving or extending hospitality charges to the Hon. Members. The TA and DA is given to them, but that again is not being claimed by them.

12. The Secretary, Department of Legal Affairs submitted before the Committee as under:-

“... in a catena of judgements it has been held that office of profit is an office which is capable of yielding a profit or pecuniary gain.

.... If there is really a gain, the quantum or amount would not be material but the

amount of money receivable by a person in connection with the office he holds may be material in deciding whether the office really carried any profit.”

13. Finally, the Secretary, Department of Legal Affairs stated as under :-

After going through these observations, I am of the opinion that, so far as the present Members are concerned, since they have not been receiving any hospitality as such, so it may be justifiable but to remove any sort of a doubt or a future litigation in this regard, it is imperative that regulation 22 needs to be amended. But in my opinion no further amendment so far as the Act and rules are concerned may be required.

Observations / Recommendations

14. The Committee note that the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Trivandrum under the Ministry of Science and Technology (Department of Science and Technology) is an Institution of National Importance created by an Act of the Parliament *viz.* the SCTIMST, Trivandrum, Act, 1980 (*hereinafter* referred to as the Act, 1980). Section 5(j) of the Act, 1980 provides that three Members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States and the Government does not have any control over the selection of MPs in the Institute.

15. The Committee further note that as per Section 32 of the Act, 1980, the Institute has the power to make regulations with the prior approval of the Central Government. Regulation 22 of the Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Regulations, 1981 provides that the President and Members of the Institute, Chairman and members of Governing Body and Members of various Standing and Ad-hoc Committees, who are not employees of the Institute shall be paid travelling allowance, daily allowance and hospitality charges at rates as applicable to members of the Governing Body.

16. The Ministry of Law and Justice in their consolidated opinion submitted to the Committee that the Members of Parliament who are members of the Institute are paid travelling allowance and daily allowance only in practice and not the hospitality charges as mentioned in Regulation 22 of SCTIMST, Trivandrum, Regulations 1981. No TA/DA has been paid to Members of Parliament during the last 5 years by the SCTIMST for attending Institute Body Meetings. The members of Lok Sabha and Rajya Sabha elected to the Institute Body of the SCTIMST are entitled only for travelling and daily allowances which come within the purview of compensatory allowances as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. However, as per their opinion, the existence of provision for 'hospitality charges' under regulation 22 makes the members of Parliament entitled for disqualification under Article 102 (1) (a) of the Constitution of India.

17. In view of the fact that the members of Parliament have been elected to the Institute Body of the SCTIMST, Trivandrum since 1981, the Committee are surprised to note as to how did the provision of hospitality charges as mentioned in the Regulations, 1981 escape the attention of the Ministry of Science and Technology as well as the Ministry of Law and Justice. Now when the membership of the Institute Body of

the SCTIMST, Trivandrum has been found to be an 'office of profit', the Committee would like to know as to what happens to the members of Parliament who were earlier elected to the Body or to those who are currently its members.

18. In view of the above, the Committee desired the Ministry of Science and Technology (Department of Science and Technology) to amend the Regulation 22 under Section 32 of the Act, 1980 which provides for the power to make Regulations, and remove the provision of 'hospitality charges' to dispel any doubt or litigation.

19. In view of the foregoing, the Committee agreed with the opinion of the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) that in order to curb the anomaly, doubt or litigation under Article 102 (1) (a) of the Constitution, amendment may be made without any delay in the Regulation 22 of the SCTIMST Regulations, 1981 and the Committee may be intimated accordingly.

New Delhi;
29 March, 2022
08 Chaitra, 1944 (Saka)

DR. SATYA PAL SINGH
Chairperson,
Joint Committee on Offices of Profit

Annexure - I

21/12/2020/CP

**RAJYA SABHA SECRETARIAT
(COMMITTEE CO-ORDINATION SECTION)**

Sub: Referring 5 non-exempt Statutory Bodies to the Joint Committee on Offices of Profit (JCOP) for examination and recommendation on the 'Office of Profit' issue.

Presently, other than National Khadi and Village Industries Board which has already been referred to the JCOP for their examination and opinion from the angle of 'Office of Profit' through this Secretariat's Note dated 15.09.2020, there are 5 Statutory Bodies which have no provisions in their parent Acts/Rules, exempting Members from disqualification from the membership of the House on the ground of holding an 'Office of Profit' under Article 102(1)(a) of the Constitution of India or in the Parliament (Prevention of Disqualification) Act, 1959. These Bodies also do not have JCOP's recommendations for exemption of membership of MPs therein from being an 'Office of Profit'. A brief memorandum *w.r.t.* these 5 Bodies is enclosed. Relevant extracts of the Acts/Rules of the respective Bodies, is also enclosed.

2. The Lok Sabha Secretariat, therefore, is requested to place the matter before the JCOP, for its consideration and recommendation on whether the membership of MPs in these 5 non-exempt Bodies would entail any disqualification from the 'Office of Profit' angle. It would be appreciated if the views/recommendations of that Committee could be expeditiously obtained, so as to enable this Secretariat to take further necessary action on the matter at the earliest.

3. Further, Lok Sabha Secretariat is also requested to ensure that notice with respect to meetings of JCOP on the aforesaid issues are invariably sent to this Secretariat, so that the Officers concerned may also remain present to assist the Committee on the scheduled date(s).



**(R.P. TIWARI)
ADDITIONAL DIRECTOR
PHONE: 23035434**

Encls: As above.

Lok Sabha Secretariat (Smt. B. Visala, Director)

R.S.S I.D. No. 5(3)/2016-Coord, dated 23rd December, 2020.



सत्यमेव जयते

दूरभाष / Tel. : 26962819, 26567373,
28562134, 26562122 (EPBAX)
फैक्स / Fax : 26569908, 26515637,
26863847, 26862418
वेबसाइट/website : www.dst.gov.in

भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय
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टेक्नोलॉजी भवन, नया महरौली मार्ग
नई दिल्ली-110 016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE AND TECHNOLOGY
DEPARTMENT OF SCIENCE AND TECHNOLOGY
TECHNOLOGY BHAVAN, NEW MEHRAULI ROAD
NEW DELHI-110 016


No. AI/SCTIMST/009/04

Dated: 19.03.2021

OFFICE MEMORANDUM

**Sub: Referring non-exempt Statutory Body for examination from the angle of "Office of Profit"-
The Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST),
Thiruvananthapuram, an autonomous Institute under DST.**



The undersigned is directed to refer to Lok Sabha Secretariat' O.M. No. 21/14/1/2021/CII dated the 5th February, 2021 on the above mentioned subject and to forward herewith the replies to the List of Points attached with the aforesaid O.M, along with relevant Annexures for consideration and examination of non-exempt Statutory Body (SCTIMST) from the angle of Office of Profit.


(Dr. M. Mohanty)
Scientist 'F'
AI Division
Tel.No.26590207

Encl.: a.a.

Lok Sabha Secretariat,
(Shri Munish Kumar Rewari, Additional Director)
Parliament House Annexe,
New Delhi-110 001.
(Email ID: committee-br2@sansad.nic.in)

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Reply to the list of points for non-exemption of SCTIMST from the angle of Office of Profit

1	Please state whether Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram is a Standing or an Adhoc Body	SCTIMST is an Institution of National Importance created by an Act of the Parliament viz. SCTIMST Act, 1980 (No.52 of 1980)
2	Please furnish details of the composition of the SCTIMST, indicating the number of officials and non-officials in the body	<p>As per Section 5 of SCTIMST Act, 1980, Composition of Institute (Institute Body is as follows:</p> <p>(a)The Vice-Chancellor, Kerala University-Ex-officio (b)The Director General of Health Services-Ex-Officio (c)The Director, SCTIMST-Ex-officio (d)Four Members to be nominated by Central Govt to represent respectively the Departments or, as the case may be, Ministries of that Government with Science & Technology, Health, Finance and Education (e)Two members to be nominated to Government of the State of Kerala to represent respectively the Departments or, as the case may be. Ministries of that Government dealing with Planning, Science & Technology and Health (f)Three scientists of whom two shall be medical scientists and one shall be a social scientist, to be nominated by the Central Government in the manner prescribed by rules (g)Three scientists representing engineering and technology to be nominated by the Central Government in the manner prescribed by rules; (h)The Head of the Biomedical Technology Wing of the Institute – Ex-officio (i)Three representatives of the Medical faculties of Indian Universities to be nominated by the Central Govt in the manner prescribed by rules; (j)Three members of Parliament of whom two shall be elected from among themselves by the Members of the House of the People and one from among themselves by the Members of the Council of States.</p> <p>Total no. of Members – 22 Official Members – 13 (including 4 ex-officio) Non-Official Members - 9</p>
3	Please give in detail the powers and functions of the Institute	Functions of the Institute is provided in Section 13 of Act 1980 (Annexure I) and Section 23 which says "Notwithstanding anything contained in any other law for the time being in force, the Institute shall have power to grant medical degrees, diplomas and other academic distinctions and titles under this Act". Powers and functions of the Institute are delegated to Governing Body(GB) as per Regulation 12(Annexure II)

Qw

4	Whether the functions of the Institute are purely advisory in nature	No
5.	Please furnish details with respect to the following:	
	i) the term of the Member of Parliament as non-official Member in the Institute	As per Section 6(2) of SCTIMST, Trivandrum Act 1980 as amended vide Act 40 of 2005, "The term of office of a Member elected under clause (j) of Section 5 shall come to an end as soon as he ceases to be a Member of the House from which he was elected or he becomes Speaker or Deputy Speaker of the House of the People, or Deputy Chairman of the Council of States, or a Minister".
	ii) Whether the Government exercise control over the appointment to and removal from the office and over the performance and functions of the Institute	As per Section 5 (j), the Government does not have any control over the selection of MPs in Institute.
	iii) The qualifications for Membership	There Is no specific qualification prescribed for MPs to become Members of the Institute
	iv) the role of the Member of Parliament as a Member in the Institute	Every Member in the Institute Body would involve in the policy making decisions of the Institute
6.	Please also give a specific reply to each of the following:	
	i) Whether the Institute exercise executive, legislative or judicial powers	Institute exercises Executive as well as Legislative Powers. As per Section 32 of the Act 1980, Institute has power to make regulation with the prior approval of the Central Government Institute's delegated executive powers are being exercised through Governing Body.
	ii) Whether the Institute confers powers of disbursement of funds, allotment of lands, etc	No
	iii) Whether it would have powers of appointment/removal; and	Powers of appointment/removal is being exercised through Governing Body.
	iv) Whether the Institute would wield influence or power by way of patronage	No
7.	i) Please indicate the details of expenses payable to the Member of Parliament as a Member of the Institute specifying the actual rates of payment with break-up of sitting fee, daily allowance, travelling allowance, house-rent allowance, compensatory allowance, honorarium, etc	Only Travelling Allowance and Daily Allowance are being paid to the extent of reimbursement of actual expenses

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	ii) Please specify the facilities, other than the remuneration given or proposed to be given to the Member of Parliament as a Member of the Institute	Nil
	iii) Please state whether the allowances payable to the Member of Parliament as a Member of the Institute are covered under the Compensatory allowance as defined in Section 2(a) of Parliament (Prevention of Disqualification) Act, 1980	According to the SCTIMST Act/Rules/Regulations and executive orders issued on the subject, the Members of the Parliament are entitled only for travelling and daily allowance which come within the meaning of compensatory allowances as defined in Section 2 (a) of the Parliament (Prevention of Disqualification Act 1959)
8.	Please furnish any information which the Institute wish to furnish on the subject	The proposal to include the name of Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram, an autonomous Institute under Department of Science and Technology, under Section 3(k) of the Parliament (Prevention of Disqualification) Act, 1959, was referred to Ministry of Law & Justice for their advice. Legislative Department, Ministry of Law & Justice has stated (copy of advice enclosed) that the said proposal may be considered as and when comprehensive amendments to the Parliament (Prevention of Disqualification) Act, 1959 are undertaken by them.

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13. With a view to the promotion of the objects specified in section 12, the Institute may.—

(a) provide for post-graduate teaching in the science of modern medicine and other allied sciences, including physical and biological sciences;

(b) provide facilities for research in the various branches of such sciences;

(c) conduct experiments in integrated methods of post-graduate medical and technological education in order to arrive at satisfactory standards of such education;

(d) prescribe courses and curricula for post-graduate studies;

(e) provide for post-graduate teaching and training in biomedical sciences and technology;

(f) notwithstanding anything contained in any other law for the time being in force, establish and maintain—

(i) one or more well equipped hospitals, and

(ii) one or more centres for research and development in biomedical technology;

(g) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in post-graduate medical education and biomedical technology as may be laid down in the regulations;

(h) institute and appoint persons to professorships, readerships, lecturerships and posts of any description in accordance with the regulations;

(i) receive grants from the Governments and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(j) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(k) demand and receive such fees and other charges as may be prescribed by regulations; and

(l) do all other acts and things as may be necessary to further the objects specified in section 12.

GOVERNING BODY

- I. The business and affairs of the Institute shall be carried on and managed by the Governing Body.
- II. The Governing Body shall have all such powers and shall perform all such functions as are necessary for proper achievement of the furtherance of the objects of the Institute.
- III. Without prejudice to the generality of the foregoing provisions, the Governing Body shall have the following powers namely:—
 - (i) to appoint and define powers and duties of all employees of the Institute;
 - (ii) to classify posts in all categories and to lay down the qualifications for all the posts;
 - (iii) to lay down the terms and conditions of service of the employees of the Institute including methods of recruitment and appointment;
 - (iv) to lay down principles governing seniority of service of employees;
 - (v) to approve the appointment of teachers and of other academic staff of the Institute to work in any other institution or University for a specified period for undertaking a joint project, or for other purposes;
 - (vi) to decide the emoluments, conditions of service of all employees, including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary proceedings subject to Rule 7 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Rules, 1981;
 - (vii) to delegate powers to various officers of the Institute;
 - (viii) the admission of students to the Institute and their enrolment;
 - (ix) to lay down the procedure and conditions for the award by the Institute of diplomas or certificates to, and for conferment of degrees and other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and for withdrawal of any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

- (x) to recommend conferment of honorary degrees or honorary fellowships or other distinctions by the Institute;
- (xi) approve the institution and award fellowships, scholarships, studentships, medals and prizes;
- (xii) to cooperate or collaborate or associate with universities or institutions in such manner and for such purposes as the Institute may determine provided that in respect of collaboration with foreign or international institutions the prior approval of the Central Government shall be necessary;
- (xiii) to consider and accept or make appropriate changes in the recommendations of the Standing Committee on Finance or of any other committee constituted by the Institute under sub-section (5) of section 10 of the Act;
- (xiv) to appoint ad hoc committees as and when considered necessary;
- (xv) to assign from time to time such functions and duties and delegate such powers as it may deem fit to the Director;
- (xvi) to perform all such acts and do all such things as may be necessary for the proper management of the properties of the Institute;
- (xvii) to approve construction and maintenance of buildings including alteration or improvement thereof;
- (xviii) to lay down the terms and conditions for acceptance by the Institute of gifts, donations or bequests;
- (xix) to lay down terms and conditions for receipt of royalties by the Institute;
- (xx) to enter into agreement for and on behalf of the Institute;
- (xxi) to sue and defend all legal proceedings on behalf of the Institute;

- (xxii) to appoint persons on ad-hoc basis on such terms and conditions as it may deem fit for conduct of studies, investigations, research, teaching and other academic programmes undertaken by the Institute;
- (xxiii) to exercise control, and discipline over the employees of the Institute in accordance with the Sree Chitra Tirunal Medical Centre Society Services Rules as existing immediately before the commencement of the Act, until the same has been altered by the Institute;
- (xxiv) to appoint if it deems fit, delegates to represent the Institute in Conferences in India and abroad;
- (xxv) to publish and or to finance the publication of studies, treatise, books, periodicals, reports and other literature and to sell or arrange for the sale of them;
- (xxvi) to organise and to undertake extra mural studies and extension services;
- (xxvii) to create academic and other posts and to make appointments thereto, subject to the Act, rules and the regulations and subject to budget provisions;
- (xxviii) to institute visiting Professorships and Honorary Professorships and make appointments thereto;
- (xxix) to acquire, hold dispose of and deal with any property both movable and immovable, belonging to or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in Section 12 of the Act;
- (xxx) to borrow, on the security of the property of the Institute money for the purpose of the Institute subject to the prior approval of the Central Government;
- (xxxi) to fix, demand and receive such fees and other charges as may be prescribed from time to time;
- (xxxii) to make arrangements for promoting the health and general welfare of the employees;

- (xxdii) to regulate and enforce discipline among the students of the Institute and take such disciplinary measures in this regard as may be deemed necessary;
- (xxdiii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects specified in Section 12 of the Act.

भारतीय संसद
PARLIAMENT OF INDIA
राज्य सभा सचिवालय
RAJYA SABHA SECRETARIAT

संसद भवन/संसदीय सौध,
नई दिल्ली-110001
वेबसाइट : <http://rajyasabha hindi.nic.in>

Parliament House/Annexe,
New Delhi-110001.
Website : <http://rajyasabha.nic.in>

No. RS. 5(20)/2012-Coord.

Dated the 13th March, 2020


OFFICE MEMORANDUM

Sub: Election of one Member of Rajya Sabha to the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram – reg.

The undersigned is directed to refer to the Ministry of Science & Technology (Department of Science & Technology)'s O.M No.AI/SCTIMST/009/2004 dated 06.02.2020 on the above-mentioned subject.

2. In this connection, it is informed that statutory protection of Members of Parliament (MPs) elected to the SCTIMST from incurring disqualification on the ground of holding an 'Office of Profit' can only be ensured through an Act of Parliament. i.e, by bringing an amendment for incorporation of a provision to that effect in the SCTIMST Act, 1980 or the rules framed thereunder, or inclusion of the Body in the exempted category under the Parliament (Prevention of Disqualification) Act, 1959.

3. The Ministry of Science & Technology (Department of Science & Technology) is, therefore, requested once again to expeditiously take the appropriate steps, in consultation with the Ministry of Law & Justice, for ensuring such a statutory provision in the relevant Acts/rules for exemption of MPs elected to SCTIMST from disqualification on the ground of holding an 'Office of Profit', so as to enable this Secretariat to initiate the necessary action for election of a Member of Rajya Sabha to the Institute thereafter.


(V.S.P SINGH)
DIRECTOR
PHONE: 23034216

To,

The Ministry of Science & Technology,
(Dept. of Science & Technology)
(Dr. M. Mohanty, Scientist F),
Technology Bhawan, New Mehrauli Road,
New Delhi - 110016



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विज्ञान और प्रौद्योगिकी विभाग
टेक्नोलॉजी भवन, नया महरौली मार्ग
नई दिल्ली-110 016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE AND TECHNOLOGY
DEPARTMENT OF SCIENCE AND TECHNOLOGY
TECHNOLOGY BHAVAN, NEW MEHRAULI ROAD
NEW DELHI-110 016

Tel : 26962819, 26567373,
26562134, 26562122 (EPBAX)
Fax : 26569908, 26515637,
26863847, 26862418
Website: www.dst.gov.in

No.AI/SCTIMST/009/04

Dated, the 3rd November, 2020


Office Memorandum

Sub: Election of one Member of Rajya Sabha to the Sree Chitra Tirunal Institute for Medical Sciences and Technology(SCTIMST), Thiruvananthapuram – Reg.

The undersigned is directed to refer to Rajya Sabha Secretariat' O.M. No. RS.5(20)/2012-Coord. dated the 13th March, 2020 on the above mentioned subject.

2. In this connection, it is informed that the proposal was referred to Ministry of Law & Justice for their advice for inclusion of the name of the Institute(SCTIMST) in relevant section of the Parliament (Prevention of Disqualification) Act, 1959. Legislative Department, Ministry of Law & Justice has mentioned that the said proposal may be considered as and when comprehensive amendments to the Parliament (Prevention of Disqualification) Act, 1959 are undertaken by them, a copy of which is enclosed herewith. Further amendments in the rules and regulations of the Institute may be decided by the administrative Ministry with the approval of the competent authority.

3. In view of the above clarification, Rajya Sabha Secretariat may consider election/nomination of a Member of Rajya Sabha to the Institute Body of Sree Chitra Tirunal Institute for Medical Sciences and Technology(SCTIMST), Thiruvananthapuram.


(Dr.M. Mohanty)
Scientist 'F'
AI Division
Tel.No.26590207

Rajya Sabha Secretariat
(Shri V.S.P. Singh, Director)
Parliament House Annexe,
New Delhi-110 001.



सत्यमेव जयते

दूरभाष / Tel. : 26962819, 26567111,
26562134, 26562122 (EPBAX)
फैक्स / Fax : 26569908, 26515637,
26863847, 26862419
वेबसाइट/website : www.dst.gov.in

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टेक्नालॉजी भवन, नया महरौली मार्ग
नई दिल्ली-110 016

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MINISTRY OF SCIENCE AND TECHNOLOGY
DEPARTMENT OF SCIENCE AND TECHNOLOGY
TECHNOLOGY BHAVAN, NEW MEHRAULI ROAD
NEW DELHI-110 016

No.AI/SCTIMST/009/04

Dated, 28th June, 2021

Office Memorandum

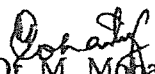
Sub: Referring non-exempt Statutory Body for examination from the angle of "Office of Profit"- The Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram, an autonomous Institute under DST.

The undersigned is directed to refer to Lok Sabha Secretariat' O.M. No. 21/14/1/2021/CII dated the 11th June, 2021 on the above mentioned subject and to furnish the following clarifications to the points raised by Department of Legal Affairs, Ministry of Law and Justice, for consideration and examination of non-exempt Statutory Body (SCTIMST) from the angle of Office of Profit:-

(i) Following are the executive functions exercised by the Members of the Institute:-

- Section 10(1) and 10(5) of the SCTIMST Act, 1980: Power to constitute Governing Body, Standing and Ad-hoc Committees.
- Section 11(1) of the SCTIMST Act, 1980: Power to appoint Director of the Institute with the prior approval of the Central Government as per SCTIMST (Appointment and Salary and Allowances) Rules, 2021 framed in supersession of Rule 7(ii) of SCTIMST Rules, 1981.
- Section 11(3) of the SCTIMST Act, 1980 : Delegation of Powers to the Director, SCTIMST
- Section 32 of the SCTIMST Act, 1980: To frame Regulations consistent with the Act and the rules made thereunder.
- Clause 7 (i) of the SCTIMST Rules, 1981: Power to create posts.

(ii) Members of Parliament are not Members of the Governing Body of the Institute in the light of Proviso to Sec. 5 and Sec. 10 of the SCTIMST Act, 1980.

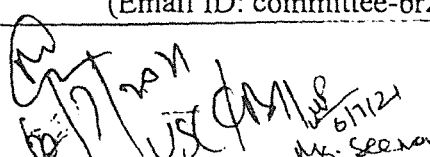

(Dr. M. Mohanty)
Scientist-F, AI Division
Tel.No.26590207

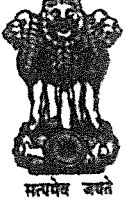
Lok Sabha Secretariat,
(Shri Munish Kumar Rewari, Additional Director)
Parliament House Annexe,
New Delhi-110 001.
(Email ID: committee-br2@sansad.nic.in)

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6/17/21
M. S. S. AGO



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26562134, 26562122 (EPBAX)
फैक्स / Fax : 26569908, 26515637,
26863847, 26862418
वेबसाइट/website : www.dst.gov.in

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नई दिल्ली-110 016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE AND TECHNOLOGY
DEPARTMENT OF SCIENCE AND TECHNOLOGY
TECHNOLOGY BHAVAN, NEW MEHRAULI ROAD
NEW DELHI-110 016

Most Immediate
Parliamentary Matter

No.AU/SCTIMST/009/04


Dated, the 27th October, 2021

Office Memorandum

Sub: Examination of non-exempt Statutory Body for examination from the angle of "Office of Profit"- The Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram, an autonomous Institute under DST.

The undersigned is directed to refer to Lok Sabha Secretariat' O.M. No. 21/14/1/2021/CII dated the 7th October, 2021 on the above mentioned subject and to furnish the following clarification submitted by the Institute to the point raised by Committee Branch II, Lok Sabha Secretariat, for consideration and examination of non-exempt Statutory Body (SCTIMST) from the angle of Office of Profit:-

- Members of Parliament who are members of Institute are paid only travelling allowance and daily allowance in practice and not the hospitality charges as mentioned in Regulation 22 of SCTIMST, Trivandrum Regulations 1981. No TA/DA has been paid to Members of Parliament during the last 5 years by SCTIMST for attending Institute Body Meetings.
- The members of the Lok Sabha and Rajya Sabha elected by House of People are entitled only for travelling and daily allowance which come within the purview of compensatory allowances as defined in Sec 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. A copy of the proposal already submitted earlier by SCTIMST is enclosed herewith for reference.


(Dr. M. Mohanty)
Scientist 'F', AI Division
Tel.No.26590207

✓ Lok Sabha Secretariat,
(Shri Kundan Kumar, Committee Officer)
Committee Branch-II,
G-103, B Block, PHA Extn.,
Parliament House Annexe,
New Delhi-110 001.
(Email ID: committee-br2@sansad.nic.in)

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श्री चित्रा तिरुनाल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेंद्रम - 695 011, केरल, भारत
SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY
TRIVANDRUM - 695 011, KERALA, INDIA
(एक राष्ट्रीय महत्व का संस्थान, विज्ञान एवं प्रौद्योगिकी विभाग, भारत सरकार)
(An Institution of National Importance, Department of Science and Technology, Government of India)
द्वेषीकरण नं./Telephone No.: 2443152-0471 फैक्स/Fax: 2446433-0471, 2550728
ई-मेल/E-mail: sct@scitimst.ac.in वेबसाइट/Website: www.scitimst.ac.in

P&A.1/211 /SCTIMST/2020

Date:08.06.2020

Dr. Manoranjan Mohanty
Director/Scientist F
AI Division (Hall C, Room No 3)
Department of Science & Technology
Technology Bhavan, New Mehrauli Road
New Delhi - 110 016

Sir,

- Sub: Election of one member of Rajyasabha to SCTIMST- reg
Ref: 1. O M No RS.5 (20)/2012-Coord. dated 03.02.2020 of Rajyasabha Secretariat
2. OM No. AI/SCTIMST/009/2004 dated 06.02.2020 of DST
3. Letter dated 19.03.2020 of DST forwarding O M No RS.5 (20)/2012-Coord dated 13.03.2020 of Rajyasabha Secretariat.

Kind attention is invited to the references cited directing to sent a proposal for consultation with the Ministry of Law and Justice for ensuring a statutory provision in the relevant Act/Rules for exemption of Members of Parliament (MPs) elected to the Institute Body of the Institute from disqualification on the ground of holding an Office of Profit .

In line with the directive of the Rajyasabha Secretariat to take appropriate steps for ensuring statutory provision in the Act/Rules/Regulation of the Institute for exemption of Members of Parliament elected into the Institute Body of SCTIMST on ground of holding an Office of Profit, I am to forward herewith a proposal for consultation with the Ministry of Law and Justice for ensuring a statutory provision in the relevant Act/Rules.

This issue with the approval of the Director.

Thanking You.

Yours faithfully,

Sr. Deputy Director(A)

Proposal for consultation with the Ministry of Law and Justice to ensure a statutory provision in the relevant SCTIMST Act/Rules for exemption of MPs elected to the Institute from disqualification on the ground of holding an Office of Profit

A. Background and Factual Position:

1. Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Regulation 22 provides for travelling and daily allowances and hospitality charges at the rates applicable to the members of the Governing Body of erstwhile Sree Chitra Tirunal Medical Centre Society to the Members of the Institute, who are not employees of the Institute.
3. DST vide letter No. A1/SCTIMST/009/04 dated 05.05.2016 forwarded a list of statutory bodies where the representation from Rajyasabha Members are not given statutory exemption from the Office of Profit, which figured the name of the Institute. Accordingly, Institute had requested the DST vide letter P&A1/211/SCTIMST/2016 dated 08.06.2016, to take up the matter with the Ministry of Parliamentary Affairs to exempt the IB members of the Institute who are members of Parliament from the purview of the "Office of Profit" as per the provisions of that Act.
4. Further, DST Vide Office Memorandum dated 28.02.2019, had forwarded O M No15/5/2018-RC dated 07.01.2019 of Ministry of Parliamentary Affairs alongwith a list of statutory bodies including the Institute where representations of from Rajyasabha members are not given statutory exemption from the Office of Profit as on 05.12.2018. It was also directed to bring requisite amendments in the relevant Act/Rules of Government Statutory Bodies in which nomination/election of MPs are required, for exemption of membership of MPs therein from being Office of Profit. In response to the same, the Institute, vide letter dated 12.03.2019 forwarded the comments of the Institute stating that—even though Regulation 22 of SCTIMST, Trivandrum, Regulations, 1981, provides for payment of traveling allowance, daily allowance and hospitality charges to the members of the Institute, the Members of Parliament who are members of Institute are paid only Traveling Allowance and Daily Allowance in practice and hence may not lead to disqualification of the Members on the ground of holding an Office of Profit. and as such there may not be any need to amend the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 and the Rules & Regulations made there under.
5. Two members of Loksabha has since been elected by the House of People as the members of the Institute vide Notification dated 18.12.2019 and according to the SCTIMST Act/Rules/Regulations and executive orders issued on the subject, the Members of Parliament are entitled only for travelling and daily allowance which come within the meaning of compensatory allowances as defined in Sec 2(a) of the Parliament (Prevention of Disqualification) Act 1959.



6. Rajyasabha Secretariat vide OM dated 03.02.2020 has observed that no provision exist for exemption of membership of Members of Parliament in SCTIMST from being an Office of Profit as per Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 and the Rules and Regulations framed hereunder, and directed Ministry of Science and Technology to clarify whether membership of MPs in SCTIMST has been exempted from Office of Profit. DST vide OM dated 06.02.2020 informed that SCTIMST may be exempted from Office of Profit and had also forwarded letter issued to JS (Parliament) Ministry of Parliamentary Affairs in this regard.

7. Rajyasabha Secretariat vide letter No. RS 5(20)/2012-Coord dated 13.03.2020 informed DST that statutory protection of Members of Parliament (MPs) elected to SCTIMST from incurring disqualification on the ground of holding an 'office of Profit' can only be ensured through an Act of Parliament, i.e. by bringing an amendment for incorporation of a provision to that effect in Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act 1980 or the rules framed there under, or inclusion of the name of the Institute in the exempted category under the Parliament (Prevention of Disqualification) Act, 1959.

8. Accordingly, DST vide Letter dated 19.03.2020, has now directed to send a proposal for consultation with the Ministry of Law and Justice for ensuring a statutory provision in the relevant Act/Rules for exemption of MPs elected to the Institute from disqualification on the ground of holding an Office of Profit.

9. In this regard the following information/proposals are submitted:

B. Relevant Provisions in the SCTIMST ACT/Rules and Regulation:

1. Section 5 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 provides for the Composition of Institute Body wherein clause (j) of Section 5 states that " three members of parliament of whom two shall be elected from among themselves by the members of the House of the People and one among themselves by the members of the Council of the States".

2. Sec 8 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980, states that "The President and other members shall receive such allowances, if any, from the Institute as may be prescribed by rules.

3. Further, Sec 10(6) of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 states that "The Chairman and members of the Governing Body and Chairman and members of a standing committee or an ad hoc committee shall receive such allowances, if any, as may be prescribed by regulations.

4. Rule 5 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Rules, 1981 (vide Notification dated 28.05.1981) provides for Allowances of President and Members. Sub rule (i) of Rule 5 reads as follows:



"5. Allowances of President and Members, - (i) The President or other members of the Institute may draw travelling and daily allowance, if any, to which they may be eligible under the regulations.

(ii) Nothing in sub-rule (i) shall apply to the Director and Head of the Biomedical Technology Wing of the Institute, who may draw the salary and allowances attached to respective posts."

5. Regulation 22 of the SCTIMST, Trivandrum, Regulations, 1981 provides for Traveling and Daily allowance to be paid to President and members of the Institute, Governing Body and Standing and Ad-hoc Committees. This Regulation 22 reads as "*The President and Members of the Institute, Chairman and members of Governing Body and members of various standing and Adhoc Committees, who are not employees of the Institute shall be paid travelling allowance, daily allowance and hospitality charges at rates as applicable to members of the Governing Body of Sree Chitra Tirunal Medical Centre Society before the commencement of the Act until altered by the Institute*".

C. Relevant provisions in the Constitution and Parliament (Prevention of Disqualification) Act 1959.

1. As per Article 102(1) (a) of the Constitution of India, 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 Government of any State, other than an office declared by Parliament by law not to disqualify its holder.

2. Section 3 of the Parliament (Prevention of Disqualification) Act 1959 declares certain offices of profit not to disqualify the holder thereof being chosen as or for being a Member of Parliament.

3. Clause (i) of Sec 3 of the Parliament (Prevention of Disqualification) Act, *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h), shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance.

4. Clause (k) of Sec 3 of the Parliament (Prevention of Disqualification) Act exempts the office of Chairman, Deputy Chairman, Secretary or Member (by whatever name called) in any statutory or non-statutory body specified in the Table.

D. Suggestion from SCTIMST

As per Clause (i) of Sec 3 of the Parliament (Prevention of Disqualification) Act, which *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h), shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to

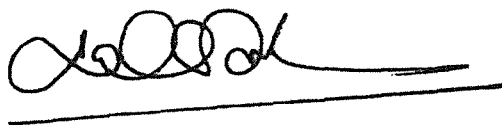


any remuneration other than compensatory allowance (refer Para C.3 above). Even though Regulation 22 of SCTIMST, Trivandrum, Regulations, 1981, provides for payment of travelling allowance, daily allowance and hospitality charges to the members of the Institute, the Members of Parliament who are members of Institute are only Travelling Allowance and Daily Allowance in practice and hence may not lead to disqualification of the Members on the ground of holding an Office of Profit (refer Para A.4 above). However, as the Rajya Sabha Secretariat has now vide OM No. RS.5(20)/2012-Coord dated 13.3.2020 informed that statutory protection of Members of Parliament elected to SCTIMST from incurring disqualification on the ground of holding an "Office of Profit" can only be ensured through an Act or Parliament, i.e. by bringing an amendment for incorporation of a provision to that effect in the SCTIMST Act, 1980 or the rules framed there under, or inclusion of the Body in the exempted category under the Parliament (Prevention of Disqualification) Act, 1959, the following two suggestions are offered for consideration of DST/Department of Law for consideration.

Suggestion No.1 : The name of SCTIMST do not figure out in the list of statutory bodies specified in the Table, under Section 3(k) of the Parliament (Prevention of Disqualification) Act, where similarly placed bodies have been exempted from Office of Profit. Hence it is requested that Department of Science and Technology may take up the matter with the Department of Ministry of Law and Justice to include the name of the Institute in the Table under clause (k) of Section 3 of the Parliament (Prevention of Disqualification) Act 1959 by making necessary amendments in the said Act

Suggestion No.2: As discussed in Suggestion No.1 above, Clause (i) of Sec 3 of the Parliament (Prevention of Disqualification) Act, *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h), shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance. An amendment in the Regulation 22 of the SCTIMST, Trivandrum, Regulations, 1981 may be considered in the line that the members of Parliament who are members of the Institute are not entitled to any remuneration other than compensatory allowance.

.....



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F.No.17(2)/2021-Leg.III
Government of India
Ministry of Law and Justice
Legislative Department

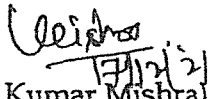
Shastri Bhawan, New Delhi,
Dated the 17th December, 2021

OFFICE MEMORANDUM

Subject: Examination of non-exempt Statutory Bodies from the angle of 'Office of Profit' Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST) Thiruvananthapuram - regarding.

The undersigned is directed to refer to the Lok Sabha Secretariat OM No.21/14/1/2021/CII dated the 25th March, 2021 on the subject mentioned above and to forward herewith the consolidated opinion of both the Department of Legal Affairs and Legislative Department in the matter.

Encl.:A/a.


(Vinay Kumar Mishra)
Deputy Legislative Counsel
Ph: 2338 4065

The Lok Sabha Secretariat,
(Committee Branch-II),
[Kind Attn: Sh. R.K. Chaudhary, Under Secretary],
{Joint Committee on Offices of Profit},
G-013, B Block, Parliament House Annexe Extension Building,
New Delhi- 01

Legislative Department
Leg-III Section

Subject: Examination of non-exempt Statutory Bodies from the angle of 'Office of Profit' Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST) Thiruvananthapuram- regarding

The reference by the Lok Sabha Secretariat, Committee Branch *vide* their OM No. 21/14/1/2021/CII dated the 25th March 2021, is regarding the examination of the Sri Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram from the angle of 'Office of Profit'.

2. The relevant Constitutional provision i.e. sub-clause (a) of clause (1) of article 102 of the Constitution provides as under:-

"(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;"

3. In so far as the law made by Parliament is concerned, the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959) has been enacted to declare certain offices of profit under the Government shall not to disqualify the holders thereof for being chosen as, or for being, a Member of Parliament.

4. The matter has been examined by the Legislative Department and it has been noted that SCTIMST is declared as an institution of national importance under section 2 of the Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Act, 1980 (SCTIMST Act). Section 4 of the SCTIMST Act provides for the incorporation of SCTIMST as a body corporate, *inter alia*, with power to sue and be sued. In pursuance of clause (j) of section 5, the SCTIMST shall consist of three Members of Parliament of

whom two shall be elected from among themselves by the House of the People and one from among themselves by the Council of States. Further, regarding the expenses payable to the Member of Parliament as member of the Institute, the administrative Ministry has replied that only Travelling Allowance and Daily Allowance are being paid to the extent of reimbursement of actual expenses and according to the SCTIMST Act/Rules/Regulations and executive orders issued on the subject, the Members of the Parliament are entitled only for travelling and daily allowance which come within the meaning of compensatory allowances as defined under clause (a) of section 2 of the Parliament (Prevention of Disqualification) Act, 1959.

5. On examination of the SCTIMST Act and Rules/Regulations made thereunder regarding the provisions for pay and allowances to the President and other Members of Institute, Chairman and Members of a standing committee or an-ad-hoc Committee, it has been noted that, section 8 of the SCTIMST Act provides that the President and other members shall receive such allowances, if any, from the Institute as may be made by rules. Further, section 10 of the SCTIMST Act provides that the Chairman and members of the Governing Body and Chairman and Members of a standing committee or an *ad-hoc* committee shall receive such allowances, if any, as may be made by regulations. Sub-rule (i) of rule 5 of the Sree Chitra Thirunal Institute for Medical Sciences and Technology, Trivandrum Rules, 1981 provides that the President or other members of the Institute may draw travelling and daily allowance, if any, to which they may be eligible under the regulations.

6. Regulation 22 of the Sree Chitra Thirunal Institute for Medical Sciences and Technology, Trivandrum Regulations, 1981 provides that the President and other Members of the Institute, Chairman and members of the Governing body and members of various standing and *adhoc* Committees who are not employees of the Institute shall be paid travelling allowance, daily allowance and hospitality charges at rates as applicable to members of the Governing Body of Sree Chitra Medical Centre Society before the commencement of the SCTIMST Act until altered by the Institute.

7. In this regard, it may be noted that the Apex Court in a *catena* of decisions had held that an 'office of profit' is an office which is capable of yielding a profit or pecuniary gain and it is immaterial as to whether the person actually obtained monetary gain. If the pecuniary gain is "receivable" in connection with the office then it becomes an 'office of profit', irrespective of whether such pecuniary gain is actually received or not.

8. 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 not entitled to any remuneration other than compensatory allowances. In the present case, the members of SCTIMST are entitled to hospitality charges, which are not covered under "compensatory allowance".

9. In the light of the Discussions made above, by virtue of section 3(i) of the Parliament (Prevention of Disqualification) Act, 1959, nomination of Members of Parliament to SCTIMST, Thiruvananthapuram as Member may incur disqualification in terms of article 102(1)(a) of the Constitution.

10. The matter was examined by the Department of Legal Affairs and the Lok Sabha Secretariat was requested to obtain clarifications regarding provisions of regulation 22 of the SCTIMST Trivandrum Regulations 1981 from the Administrative Department *vide* Note No. 21/14/1/2021/CII dated 9.10.21(Annexure.I). In response to this, the Administrative Ministry has clarified as under:-

- Members of Parliament who are members of the Institute are paid only travelling allowance and daily allowance in practice and not the hospitality charges as mentioned in Regulation 22 of SCTIMST, Trivandrum Regulations 1981. No TA/DA has been paid to Members of

Parliament during the last 5 years by SCTIMST for attending Institute Body Meetings.

- The members of the Lok Sabha and Rajya Sabha elected by House of People are entitled only for travelling and daily allowance which come within the purview of compensatory allowances as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

A copy of the proposal already submitted earlier by SCTIMST was again enclosed therewith, which may be seen at Annexure.II.

11. Regarding the above mentioned clarifications given by the Administrative Ministry, it was opined by the Department of Legal Affairs that the point of the Administrative Ministry is correct up to the extent that the Members are being paid only TA/DA which comes under the purview of compensatory allowance and therefore the appointment of Members in SCTIMST may not attract disqualification. However, existence of provision for 'hospitality charges' under regulation 22 makes them entitled for the same, whether actually being paid or not, and in such circumstance, it would be advisable either to remove the provision for 'hospitality charges' from the Regulations of the Institute or to include the name of the institute under the exempt list of the Parliament (Prevention of Disqualification) Act, 1959 for the sake of clarity and certainty.

12. In addition to the above, it was also opined by the Department of Legal Affairs that the Lok Sabha Secretariat may further satisfy themselves of the actual amount received by the Members being covered under the definition of 'Compensatory allowance' as per section 2(a) of the Parliament(Prevention of Disqualification)Act, 1959.

13. Regarding the proposal mentioned by the Administrative Ministry at Annexure II, it may be mentioned that, Legislative Department has, informed the Department of Science and Technology vide this Department UO No.17(3)/2020-Leg.III dated the 13th

October, 2020 (Annexure.III) that the proposal of the Department of Science and Technology may be considered by this Department as and when the comprehensive amendment is made in the Parliament (Prevention of Disqualification) Act, 1959. It was also stated in the reply that in so far as the query of the administrative Department regarding the proposal to amend the rules and regulations made under the SCTIMST Act is concerned, the administrative Department may take a decision in the matter with the approval of the competent authority.

विधि और न्याय मंत्रालय / Ministry of Law & Justice
विधि कार्य विभाग / Department of Legal Affairs

Subject: Examination of non-exempt Statutory Bodies from the angle of 'Office of Profit' – Shri Chitra Tirunal Institute of Medical Sciences and Technology (SCTIMST), Thiruvananthapuram - regarding.

The matter under reference pertains to examination of non-exempt statutory body i.e. Shri Chitra Tirunal Institute of Medical Sciences and Technology (SCTIMST), Thiruvananthapuram from the angle of 'Office of Profit'. In this regard our earlier note dated 06.04.2021 (F/A) may be recalled whereby in response to the Lok Sabha Secretariat OM No. 21/14/1/2021/CIH dated 31.03.2021 we have sought certain clarifications from the Administrative Ministry.

2. The replay of the Administrative Ministry has now been received wherein they have clarified about the functions exercised by the Members of the Institute as per the provisions of the SCTIMST Act, 1980. The functions are mentioned as under:

- a) Power to constitute Governing Body, Standing and ad-hoc Committees. (Section 10(1) and 10(5) of the Act)
- b) Power to appoint Director of the Institute with the prior approval of the Central Government as per SCTIMST (Appointment and Salary and Allowances) Rules, 2021. (Section 11(1) of the Act)
- c) Delegation of Powers to the Director, SCTIMST (Sec. 11(3) of the Act)
- d) To frame Regulations consistent with the Act and the rules made thereunder. (Section 32 of the Act)
- e) Power to create posts (Clause 7 (i) of the SCTIMST Rules, 1981)

3. We have examined the reference from the angle of 'office of profit'. It is pertinent that, what constitutes an 'office of profit' has not been defined in law. However, an 'office of profit' has been interpreted to be a position that brings to the office-holder some financial gain, or advantage, or benefit from Government. The Supreme Court in *Shibu Soren vs Dayanand Sahay & Ors (2001) 7 SCC 425* while dealing with expression "office of profit" has held that it is the substance and not the form which matters. The quantum or amount of "pecuniary gain" is not relevant, what needs to be found out is whether the amount of money receivable by the concerned person in connection with the office he holds, gives to him some "pecuniary gain", other than as 'compensation' to defray his out of pocket expenses, which may have the possibility to bring that person under the influence of the executive, which is conferring that benefit on him. In *Shivamurthy Swami vs. Agadi Sanganina Andanappa, 1971(3) SCC 870* the Supreme Court laid down the test for determining whether a person holds an office of profit namely the factors such as: (i) whether the Government makes the appointment, (ii) whether the Government has the right to remove or dismiss the holder; (iii) whether the Government pays the remuneration, (iv) what are the functions of the holder; and (v) Does the Government exercise any control over the performance of those functions? In *Gurugobinda Basu vs Sankari Prasad Ghosal and Ors 1964 SCR (4) 311* the Apex Court held

that all these factors need not coexist. Mere absence of one of the factors may not negate the overall test. The decisive test for determining whether a person holds any office of profit under the government, is the test of appointment.

4. Further, the Supreme Court in *Jaya Bachchan vs. Union of India* (2006) 5 SCC 266 developed the doctrine of 'potential effect of an office' to ascertain the nature of office. The Court held that an office of profit is an office which is capable of yielding a profit or pecuniary gain. Holding an office under the Central or State Government, to which some pay, salary, emolument, remuneration or non-compensatory allowance is attached, is "holding an office of profit". Nature of the payment must be considered as a matter of substance rather than of form. Payment of honorarium, in addition to daily allowances in the nature of compensatory allowances, rent free accommodation and chauffeur driven car at State expense, are clearly in the nature of remuneration and a source of pecuniary gain and hence constitute profit. Therefore, deciding the question as to whether one is holding an office of profit or not, what is relevant is whether the office is capable of yielding a profit or pecuniary gain and not whether the person actually obtained a monetary gain. If the office carries with it, or entitles the holder to, any pecuniary gain other than reimbursement of out of pocket/actual expenses, then the office will be an office of profit for the purpose of Article 102(1)(a).

5. The Supreme Court in *U.C. Raman vs. P.T.A. Rahim*, (2014) 8 SCC 934 held that word 'profit' is confined to pecuniary benefits only and does not include other factors such as status, power, influence, etc. emanating from the post. The very context, in which the word 'profit' has been used after the words 'office of', shows that not all offices are disqualified but only those which yield pecuniary gains as profit other than mere compensatory allowances, to the holder of the office. A post having only travelling allowance and daily allowance and not pay, salary, emoluments, remuneration, commission, etc. receivable in connection with the office does not get covered by the expression office of profit.

6. It is noted that the Lok Sabha Secretariat had sought certain clarification from Ministry of Science and Technology (MoS&T) on the nature, power, functions and composition of Sree Chitra Tirunal Institute of Medical Science and Technology (SCTIMST), Thiruvananthapuram. The MoS&T has forwarded its inputs for consideration and examination to LSS. It is stated that SCTIMST is an Institution of National Importance created by SCTIMST Act, 1980. The comments of the MoS&T have been examined in the light of the test laid down by the Hon'ble Supreme Court as under:-

- (i) whether the Government makes the appointment,
- (ii) whether the Government has the right to remove or dismiss the holder,
- (iii) Does the Government exercise any control over the performance of those functions?

Comments of MoS&T: - As per section 5(j), the Government does not have any control over the selection of MPs in Institute.

- (iv) whether the Government pays the remuneration?

Comments of MoS&T: - Only Travelling Allowances and Daily Allowances are being paid to the extent of reimbursement of actual expenses.

(v) what are the functions of the holder?

Comments of MoS&T: - The powers, functions of the Institute are delegated to Governing Board as per Regulation 12 of Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Regulations, 1981.

7. The matter has been examined. Section 5 of the Act provides for composition of Institute and it is stated that the institutes shall composed of Members which *inter-alia* includes three members of Parliament of the House of the People and one from the members of the Council of States. As per section 10 of the Act, there shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be prescribed by regulations. Further, the Governing Body shall be the Executive Committee of the Institute and shall exercise such powers and discharge such functions as the Institute may, by regulations made in this behalf, confer or impose upon it. Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Regulations, 1981 (the regulation) has been issued *vide* notification dated 23.06.1981 by the Central Govt. prescribing *inter-alia* the constitution, power and functions of the Governing Body of the SCTIMST. It is also stated under regulation 22 of the regulation 1981 that the President and Members of the Institute, Chairman and Members of Governing Body and Members of various Standing and Ad-hoc Committees, who are not employees of the Institute shall be paid travelling allowances, daily allowances and hospitality charges at rates as applicable to members of the Governing Body of Sree Chitra Tirunal medical Centre Society.

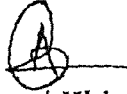
8. In this regard, attention is also invited to section 3(i) of the Parliament (Prevention of Disqualification) Act, 1959 where holders of certain offices of profit under the Government of India or the Government of any State, for being chosen as, or for being, a member of Parliament are exempted to disqualify. Further, section 2(a) of the Act defines "compensatory allowance" which states that 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, Allowances 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.

9. It is seen that the Institute is the creation of SCTIMST Act, 1980 under the Department of Science and Technology, Govt. of India. Thus, the Institute may be said to be an office with the Government of India is administratively concurred with. It is also noted that Government does not have any control over the selection of MPs in Institute. The Members of the Institute (which includes the M.Ps.) who are not employees of the Institute are also eligible to be paid travelling allowances, daily allowances and hospitality charges. The hospitality charge payable to M.Ps. does not come under the definition of section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Further, section 3 of the Act does not exempt

the M.Ps. from disqualification who are holding a post of office of profit in the Institute.

10. In light of the above, it would be fitness of thing for the LSS to enquire from the Department of Science & Technology about the actual breakup of the allowances payable/paid to the Member of Parliament who are members of SCTIMST. It should also be clarified whether these allowances come within the limit payable/paid under compensatory allowance defined under section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

May kindly see


(Arpit Anant Mishra)
Asst. Legal Adviser
24.09.2021

JS&LA (DR. Raju Mani)

Clarification on para 10 is required alongwith the comments to LSS as to whether the allowances such as travelling allowance, daily allowance and hospitality charges admissible to Members of the Institute & as per regulation 22 of the Regulations of 1981 fall within the limits of compensatory allowance

RMani
24/9/21


Law Secretary

Member


JS&LA

SD 81
21/9/21

Advice-8

R
4/9/21
Arpit Anant Mishra

24/9/21

Lok Sabha Secretariat (Through Email)

Pl. see to this
d.b. for PPS
24/9/21


Proposal for consultation with the Ministry of Law and Justice to ensure a statutory provision in the relevant SCTIMST Act/Rules for exemption of MPs elected to the Institute from disqualification on the ground of holding an Office of Profit

A. Background and Factual Position:

1. Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Regulation 22 provides for travelling and daily allowances and hospitality charges at the rates applicable to the members of the Governing Body of erstwhile Sree Chitra Tirunal Medical Centre Society to the Members of the Institute, who are not employees of the Institute.

3. DST vide letter No. A1/SCTIMST/009/04 dated 05.05.2016 forwarded a list of statutory bodies where the representation from Rajyasabha Members are not given statutory exemption from the Office of Profit, which figured the name of the Institute. Accordingly, Institute had requested the DST vide letter P&A1/211/SCTIMST/2016 dated 08.06.2016, to take up the matter with the Ministry of Parliamentary Affairs to exempt the IB members of the Institute who are members of Parliament from the purview of the "Office of Profit" as per the provisions of that Act.

4. Further, DST Vide Office Memorandum dated 28.02.2019, had forwarded O M No15/5/2018-RC dated 07.01.2019 of Ministry of Parliamentary Affairs alongwith a list of statutory bodies including the Institute where representations of from Rajyasabha members are not given statutory exemption from the Office of Profit as on 05.12.2018. It was also directed to bring requisite amendments in the relevant Act/Rules of Government Statutory Bodies in which nomination/election of MPs are required, for exemption of membership of MPs therein from being Office of Profit. In response to the same, the Institute, vide letter dated 12.03.2019 forwarded the comments of the Institute stating that—even though Regulation 22 of SCTIMST, Trivandrum, Regulations, 1981, provides for payment of traveling allowance, daily allowance and hospitality charges to the members of the Institute, the Members of Parliament who are members of Institute are paid only Traveling Allowance and Daily Allowance in practice and hence may not lead to disqualification of the Members on the ground of holding an Office of Profit, and as such there may not be any need to amend the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 and the Rules & Regulations made there under.

5. Two members of Lok Sabha has since been elected by the House of People as the members of the Institute vide Notification dated 13.12.2019 and according to the SCTIMST Act/Rules/Regulations and executive orders issued on the subject, the Members of Parliament are entitled only for travelling and daily allowance which come within the meaning of compensatory allowances as defined in Sec 2(a) of the Parliament (Prevention of Disqualification) Act 1959.



6. Rajyasabha Secretariat vide OM dated 03.02.2020 has observed that no provision exist for exemption of membership of Members of Parliament in SCIMST from being an Office of Profit as per Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980 and the Rules and Regulations framed hereunder and directed Ministry of Science and Technology to clarify whether membership of MPs in SCIMST has been exempted from Office of Profit. DST vide OM dated 06.02.2020 informed that SCIMST may be exempted from Office of Profit and had also forwarded letter issued to JS (Parliament) Ministry of Parliamentary Affairs in this regard.

7. Rajyasabha Secretariat vide letter No. RS 5(20)2012 Coord dated 13.03.2020 informed DST that statutory protection of Members of Parliament (MPs) elected to SCIMST from incurring disqualification on the ground of holding an 'Office of Profit' can only be ensured through an Act of Parliament i.e. by bringing an amendment for incorporation of a provision to that effect in Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act 1980 or the rules framed there under or inclusion of the name of the Institute in the exempted category under the Parliament (Prevention of Disqualification) Act, 1959.

8. Accordingly DST vide Letter dated 19.03.2020 has now directed to send a proposal for consultation with the Ministry of Law and Justice for ensuring a statutory provision in the relevant Act/Rules for exemption of MPs elected to the Institute from disqualification on the ground of holding an Office of Profit.

9. In this regard the following information/proposals are submitted:

B. Relevant Provisions in the SCIMST ACT/Rules and Regulation:

1. Section 5 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 provides for the Composition of Institute Body wherein clause (j) of Section 5 states that "three members of parliament of whom two shall be elected from among themselves by the members of the House of the People and one among themselves by the members of the Council of the States".

2. Sec 8 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980, states that "The President and other members shall receive such allowances, if any, from the Institute as may be prescribed by rules.

3. Further, Sec 10(6) of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 states that "The Chairman and members of the Governing Body and Chairman and members of a standing committee or an ad hoc committee shall receive such allowances, if any, as may be prescribed by regulations.

4. Rule 5 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Rules, 1981 (vide Notification dated 28.05.1981) provides for Allowances of President and Members. Sub rule (i) of Rule 5 reads as follows:



"5. Allowances of President and Members, - (i) The President or other members of the Institute may draw travelling and daily allowance, if any, to which they may be eligible under the regulations.

(ii) Nothing in sub-rule (i) shall apply to the Director and Head of the Biomedical Technology Wing of the Institute, who may draw the salary and allowances attached to respective posts."

5. Regulation 22 of the SCTIMST, Trivandrum, Regulations, 1981 provides for Traveling and Daily allowance to be paid to President and members of the Institute, Governing Body and Standing and Ad-hoc Committees. This Regulation 22 reads as "The President and Members of the Institute, Chairman and members of Governing Body and members of various standing and Adhoc Committees, who are not employees of the Institute shall be paid travelling allowance, daily allowance and hospitality charges at rates as applicable to members of the Governing Body of Sree Chitra Tirunal Medical Centre Society before the commencement of the Act until altered by the Institute".

C. Relevant provisions in the Constitution and Parliament (Prevention of Disqualification) Act 1959.

1. As per Article 102(1) (a) of the Constitution of India, 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 Government of any State, other than an office declared by Parliament by law not to disqualify its holder.

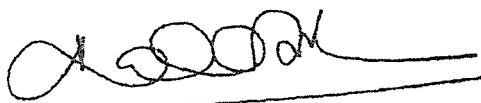
2. Section 3 of the Parliament (Prevention of Disqualification) Act 1959 declares certain offices of profit not to disqualify the holder thereof being chosen as or for being a Member of Parliament.

3. Clause (i) of Sec 3 of the Parliament (Prevention of Disqualification) Act, *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h), shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance.

4. Clause (k) of Sec 3 of the Parliament (Prevention of Disqualification) Act exempts the office of Chairman, Deputy Chairman, Secretary or Member (by whatever name called) in any statutory or non-statutory body specified in the Table.

D. Suggestion from SCTIMST

As per Clause (i) of Sec 3 of the Parliament (Prevention of Disqualification) Act, which *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h), shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to



any remuneration other than compensatory allowance (refer Para C.3 above). Even though Regulation 22 of SCIMST, Trivandrum Regulations, 1981, provides for payment of travelling allowance, daily allowance and hospitality charge to the members of the Institute, the Members of Parliament who are members of Institute are only Travelling Allowance and Daily Allowance in practice and hence may not lead to disqualification of the Members on the ground of holding an Office of Profit (refer Para A.4 above). However, as the Rajya Sabha Secretariat has now vide OM No. RS 520/2012, Coord dated 13.3.2020 informed that statutory protection of Members of Parliament elected to SCIMST from incurring disqualification on the ground of holding an Office of Profit can only be ensured through an Act of Parliament, i.e. by bringing an amendment for incorporation of a provision to that effect in the SCIMST Act, 1980 or the rules framed there under or inclusion of the Body in the exempted category under the Parliament (Prevention of Disqualification) Act, 1959, the following two suggestions are offered for consideration of DST/Department of Law for consideration.

Suggestion No.1: The name of SCIMST do not figure out in the list of statutory bodies specified in the Table, under Section 3 (k) of the Parliament (Prevention of Disqualification) Act, where similarly placed bodies have been exempted from Office of Profit. Hence it is requested that Department of Science and Technology may take up the matter with the Department of Ministry of Law and Justice to include the name of the Institute in the Table under clause (k) of Section 3 of the Parliament (Prevention of Disqualification) Act, 1959 by making necessary amendments in the said Act.

Suggestion No.2: As discussed in Suggestion No.1 above, Clause (g) of Sec 3 of the Parliament (Prevention of Disqualification) Act, *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h) shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance. An amendment in the Regulation 22 of the SCIMST, Trivandrum, Regulations, 1981 may be considered in the line that the members of Parliament who are members of the Institute are not entitled to any remuneration other than compensatory allowance.



Legislative Department
Legislative III Section

Subject: Nomination of a Member of Rajya Sabha to the Institute Body of Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST) Thiruvananthapuram- proposal to include the name of the Institute in relevant section of the Parliament (Prevention of Disqualification) Act, 1959.

The proposal of the Department of Science and Technology seeking the views of this Department regarding the inclusion of the Sree Chitra Tirunal Institute for Medical Sciences and Technology in the list of statutory bodies specified in the Table to the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959) has been examined in this Department.

2. In this regard, it may be mentioned as and when comprehensive amendments to the Parliament (Prevention of Disqualification) Act, 1959 are undertaken, the proposal of the administrative Department may be considered by this Department.

3. In so far as query of the administrative Department regarding the proposal to amend the rules and regulations made under the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980 (52 of 1980) is concerned, the administrative Department may take a decision in the matter with the approval of the competent authority.

4. This issues with the approval of Secretary, Legislative Department.

Vinay Kumar Mishra
(Vinay Kumar Mishra)
Deputy Legislative Counsel
Tel. No: 2338 4065

Deptt. of Science and Technology (Autonomous Institutions Division), Technology Bhawan, Mehrauli Road, New Delhi - 110 016. [Attn: Dr. M. Mohanb. Scientist]. Hall-C. Room no-3.
Legislative Department UO No. 17(3)/2020-Leg.III dt. the 13th October 2020.

Issued by
P. B. No - 4/20
14/10/2020



सत्यमेव जयते

दूरभाष / Tel. : 26962819, 26567373,
26562134, 26582122 (EPBAX)
फैक्स / Fax : 26569908, 26515637,
26863847, 26862418
वेबसाइट / website : www.dst.gov.in

भारत सरकार
विज्ञान और प्रौद्योगिकी मंत्रालय
विज्ञान और प्रौद्योगिकी विभाग
टेक्नोलॉजी भवन, नया महरौली मार्ग
नई दिल्ली-110 016

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE AND TECHNOLOGY
DEPARTMENT OF SCIENCE AND TECHNOLOGY
TECHNOLOGY BHAVAN, NEW MEHRAULI ROAD
NEW DELHI-110 016

**Most Immediate
Parliamentary Matter**

No.AI/SCTIMST/009/04


Dated, the 27th October, 2021

Office Memorandum

Sub: Examination of non-exempt Statutory Body for examination from the angle of "Office of Profit"- The Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram, an autonomous Institute under DST.


The undersigned is directed to refer to Lok Sabha Secretariat' O.M. No. 21/14/1/2021/CII dated the 7th October, 2021 on the above mentioned subject and to furnish the following clarification submitted by the Institute to the point raised by Committee Branch II, Lok Sabha Secretariat, for consideration and examination of non-exempt Statutory Body (SCTIMST) from the angle of Office of Profit:-

- Members of Parliament who are members of Institute are paid only travelling allowance and daily allowance in practice and not the hospitality charges as mentioned in Regulation 22 of SCTIMST, Trivandrum Regulations 1981. No TA/DA has been paid to Members of Parliament during the last 5 years by SCTIMST for attending Institute Body Meetings.
- The members of the Lok Sabha and Rajya Sabha elected by House of People are entitled only for travelling and daily allowance which come within the purview of compensatory allowances as defined in Sec 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. A copy of the proposal already submitted earlier by SCTIMST is enclosed herewith for reference.


(Dr. M. Mohanty)
Scientist 'F', AI Division
Tel.No.26590207

✓ Lok Sabha Secretariat,
(Shri Kundan Kumar, Committee Officer)
Committee Branch-II,
G-103, B Block, PHA Extn.,
Parliament House Annexe,
New Delhi-110 001.
(Email ID: committee-br2@sansad.nic.in)

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श्री चित्रा तिरुनाल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेंद्रम - 695 011, केरल, भारत
SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY
TRIVANDRUM - 695 011, KERALA, INDIA

(एक राष्ट्रीय महत्व का संस्थान, विज्ञान एवं प्रौद्योगिकी विभाग, भारत सरकार)

(An Institution of National Importance, Department of Science and Technology, Government of India)

टेलीफोन नं./Telephone No.: 2443152-0471 फैक्स/Fax: 2446433-0471, 2550728

ई-मेल/E-mail: sct@scitimst.ac.in वेबसाइट/Website: www.scitimst.ac.in

P&A.1/211 /SCTIMST/2020

Date:08.06.2020

Dr. Manojanjan Mohanty
Director/Scientist F
AI Division (Hall C, Room No 3)
Department of Science & Technology
Technology Bhavan, New Mehrauli Road
New Delhi – 110 016

Sir,

- Sub: Election of one member of Rajyasabha to SCTIMST- reg
Ref: 1. O M No RS.5 (20)/2012-Coord. dated 03.02.2020 of Rajyasabha Secretariat
2. OM No. AI/SCTIMST/009/2004 dated 06.02.2020 of DST
3. Letter dated 19.03.2020 of DST forwarding O M No RS.5 (20)/2012-Coord dated 13.03.2020 of Rajyasabha Secretariat.

Kind attention is invited to the references cited directing to sent a proposal for consultation with the Ministry of Law and Justice for ensuring a statutory provision in the relevant Act/Rules for exemption of Members of Parliament (MPs) elected to the Institute Body of the Institute from disqualification on the ground of holding an Office of Profit .

In line with the directive of the Rajyasabha Secretariat to take appropriate steps for ensuring statutory provision in the Act/Rules/Regulation of the Institute for exemption of Members of Parliament elected into the Institute Body of SCTIMST on ground of holding an Office of Profit. I am to forward herewith a proposal for consultation with the Ministry of Law and Justice for ensuring a statutory provision in the relevant Act/Rules.

This issue with the approval of the Director.

Thanking You.

Yours faithfully,

Sr. Deputy Director(A)

Proposal for consultation with the Ministry of Law and Justice to ensure a statutory provision in the relevant SCTIMST Act/Rules for exemption of MPs elected to the Institute from disqualification on the ground of holding an Office of Profit

A. Background and Factual Position:

1. Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Regulation 22 provides for travelling and daily allowances and hospitality charges at the rates applicable to the members of the Governing Body of erstwhile Sree Chitra Tirunal Medical Centre Society to the Members of the Institute, who are not employees of the Institute.

3. DST vide letter No. A1/SCTIMST/009/04 dated 05.05.2016 forwarded a list of statutory bodies where the representation from Rajyasabha Members are not given statutory exemption from the Office of Profit, which figured the name of the Institute. Accordingly, Institute had requested the DST vide letter P&A1/211/SCTIMST/2016 dated 08.06.2016, to take up the matter with the Ministry of Parliamentary Affairs to exempt the IB members of the Institute who are members of Parliament from the purview of the "Office of Profit" as per the provisions of that Act.

4. Further, DST Vide Office Memorandum dated 28.02.2019, had forwarded O M No15/5/2018-RC dated 07.01.2019 of Ministry of Parliamentary Affairs alongwith a list of statutory bodies including the Institute where representations of from Rajyasabha members are not given statutory exemption from the Office of Profit as on 05.12.2018. It was also directed to bring requisite amendments in the relevant Act/Rules of Government Statutory Bodies in which nomination/election of MPs are required, for exemption of membership of MPs therein from being Office of Profit. In response to the same, the Institute, vide letter dated 12.03.2019 forwarded the comments of the Institute stating that—even though Regulation 22 of SCTIMST, Trivandrum, Regulations, 1981, provides for payment of traveling allowance, daily allowance and hospitality charges to the members of the Institute, the Members of Parliament who are members of Institute are paid only Traveling Allowance and Daily Allowance in practice and hence may not lead to disqualification of the Members on the ground of holding an Office of Profit. and as such there may not be any need to amend the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act. 1980 and the Rules & Regulations made there under.

5. Two members of Loksabha has since been elected by the House of People as the members of the Institute vide Notification dated 18.12.2019 and according to the SCTIMST Act/Rules/Regulations and executive orders issued on the subject, the Members of Parliament are entitled only for travelling and daily allowance which come within the meaning of compensatory allowances as defined in Sec 2(a) of the Parliament (Prevention of Disqualification) Act 1959.



6. Rajyasabha Secretariat vide OM dated 03.02.2020 has observed that no provision exist for exemption of membership of Members of Parliament in SCTIMST from being an Office of Profit as per Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 and the Rules and Regulations framed hereunder, and directed Ministry of Science and Technology to clarify whether membership of MPs in SCTIMST has been exempted from Office of Profit. DST vide OM dated 06.02.2020 informed that SCTIMST may be exempted from Office of Profit and had also forwarded letter issued to JS (Parliament) Ministry of Parliamentary Affairs in this regard.

7. Rajyasabha Secretariat vide letter No. RS 5(20)/2012-Coord dated 13.03.2020 informed DST that statutory protection of Members of Parliament (MPs) elected to SCTIMST from incurring disqualification on the ground of holding an 'office of Profit' can only be ensured through an Act of Parliament, i.e. by bringing an amendment for incorporation of a provision to that effect in Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act 1980 or the rules framed there under, or inclusion of the name of the Institute in the exempted category under the Parliament (Prevention of Disqualification) Act,1959.

8. Accordingly, DST vide Letter dated 19.03.2020 , has now directed to send a proposal for consultation with the Ministry of Law and Justice for ensuring a statutory provision in the relevant Act/Rules for exemption of MPs elected to the Institute from disqualification on the ground of holding an Office of Profit.

9. In this regard the following information/proposals are submitted:

B. Relevant Provisions in the SCTIMST ACT/Rules and Regulation:

1. Section 5 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 provides for the Composition of Institute Body wherein clause (j) of Section 5 states that " three members of parliament of whom two shall be elected from among themselves by the members of the House of the People and one among themselves by the members of the Council of the States".

2. Sec 8 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980, states that "The President and other members shall receive such allowances, if any, from the Institute as may be prescribed by rules.

3. Further, Sec 10(6) of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act, 1980 states that "The Chairman and members of the Governing Body and Chairman and members of a standing committee or an ad hoc committee shall receive such allowances, if any, as may be prescribed by regulations.

4. Rule 5 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Rules, 1981 (vide Notification dated 28.05.1981) provides for Allowances of President and Members. Sub rule (i) of Rule 5 reads as follows:



"5. Allowances of President and Members, - (i) The President or other members of the Institute may draw travelling and daily allowance, if any, to which they may be eligible under the regulations.

(ii) Nothing in sub-rule (i) shall apply to the Director and Head of the Biomedical Technology Wing of the Institute, who may draw the salary and allowances attached to respective posts."

5. Regulation 22 of the SCTIMST, Trivandrum, Regulations, 1981 provides for Traveling and Daily allowance to be paid to President and members of the Institute, Governing Body and Standing and Ad-hoc Committees. This Regulation 22 reads as "*The President and Members of the Institute, Chairman and members of Governing Body and members of various standing and Adhoc Committees, who are not employees of the Institute shall be paid travelling allowance, daily allowance and hospitality charges at rates as applicable to members of the Governing Body of Sree Chitra Tirunal Medical Centre Society before the commencement of the Act until altered by the Institute*".

C. Relevant provisions in the Constitution and Parliament (Prevention of Disqualification) Act 1959.

1. As per Article 102(1) (a) of the Constitution of India, 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 Government of any State, other than an office declared by Parliament by law not to disqualify its holder.

2. Section 3 of the Parliament (Prevention of Disqualification) Act 1959 declares certain offices of profit not to disqualify the holder thereof being chosen as or for being a Member of Parliament.

3. Clause (i) of Sec 3 of the Parliament (Prevention of Disqualification) Act, *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h), shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance.

4. Clause (k) of Sec 3 of the Parliament (Prevention of Disqualification) Act exempts the office of Chairman, Deputy Chairman, Secretary or Member (by whatever name called) in any statutory or non-statutory body specified in the Table.

D. Suggestion from SCTIMST

As per Clause (i) of Sec 3 of the Parliament (Prevention of Disqualification) Act, which *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h), shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to

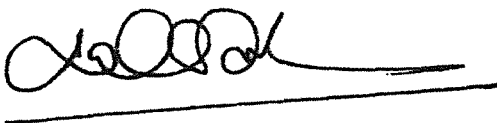


any remuneration other than compensatory allowance (refer Para C.3 above). Even though Regulation 22 of SCTIMST, Trivandrum, Regulations, 1981, provides for payment of travelling allowance, daily allowance and hospitality charges to the members of the Institute, the Members of Parliament who are members of Institute are only Travelling Allowance and Daily Allowance in practice and hence may not lead to disqualification of the Members on the ground of holding an Office of Profit (refer Para A.4 above). However, as the Rajya Sabha Secretariat has now vide OM No,RS.5(20)/2012-Coord dated 13.3.2020 informed that statutory protection of Members of Parliament elected to SCTIMST from incurring disqualification on the ground of holding an "Office of Profit" can only be ensured through an Act or Parliament, i.e. by bringing an amendment for incorporation of a provision to that effect in the SCTIMST Act, 1980 or the rules framed there under, or inclusion of the Body in the exempted category under the Parliament (Prevention of Disqualification) Act, 1959, the following two suggestions are offered for consideration of DST/Department of Law for consideration.

Suggestion No.1 : The name of SCTIMST do not figure out in the list of statutory bodies specified in the Table, under Section 3(k) of the Parliament (Prevention of Disqualification) Act, where similarly placed bodies have been exempted from Office of Profit. Hence it is requested that Department of Science and Technology may take up the matter with the Department of Ministry of Law and Justice to include the name of the Institute in the Table under clause (k) of Section 3 of the Parliament (Prevention of Disqualification) Act 1959 by making necessary amendments in the said Act

Suggestion No.2: As discussed in Suggestion No.1 above, Clause (i) of Sec 3 of the Parliament (Prevention of Disqualification) Act, *inter alia* provides that the office of the Chairman, Director or member of any statutory body or non statutory body other than any such body referred in clause (h), shall not disqualify the holder thereof being chosen as Member of Parliament, if the holder of such office is not entitled to any remuneration other than compensatory allowance. An amendment in the Regulation 22 of the SCTIMST, Trivandrum, Regulations, 1981 may be considered in the line that the members of Parliament who are members of the Institute are not entitled to any remuneration other than compensatory allowance.

.....



Joint Committee on Offices of Profit
(17th Lok Sabha)

Extracts of the Minutes of the Fifteenth Sitting of the Committee

The Committee sat on Tuesday, 8 February, 2022 from 1500 hrs. to 1545 hrs. in Committee Room No. '3', A Block, First Floor, Parliament House Annexe Extension Building, New Delhi.

Present

Dr. Manoj Rajoria

-

In the Chair

Members

Lok Sabha

2. Shri Behanan Benny
3. Shri Balashowry Vallabbhaneni
4. Shri Shyam Singh Yadav

Rajya Sabha

5. Shri Mahesh Poddar
6. Shri V. Vijayasai Reddy
7. Ms. Dola Sen
8. Shri Hardwar Dubey

Witnesses

Representatives of the Ministries

Ministry of Law and Justice

(i) Department of Legal Affairs

S. No.	Name	Designation
1.	Shri Anoop Kumar Mendiratta	Secretary
2.	Dr. Rajiv Mani	Additional Secretary

(ii) Legislative Department

S. No.	Name	Designation
1.	Dr. Reeta Vasishta	Secretary
2.	Shri K.R. Saji Kumar	Joint Secretary and Legislative Counsel

Ministry of Science and Technology

(Department of Science and Technology)

S. No.	Name	Designation
1.	Shri Sunil Kumar	Joint Secretary, DST
2.	Dr. M. Mohanty	Scientist – F, DST

Secretariat

1.	Shrimati Suman Arora	Joint Secretary
2.	Shri Sundar Prasad Das	Director
3.	Shri Uttam Chand Bharadwaj	Additional Director

2. In the absence of Chairperson of the Joint Committee on Offices of Profit, the Committee chose Dr. Manoj Rajoria, MP and member of the Committee, to preside over the sitting of the Committee under provisions of the Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha. Thereafter, Dr. Manoj Rajoria, MP acted as Chairperson for the sitting.

3. At the outset, Dr. Manoj Rajoria, acting Chairperson, welcomed the members of the Committee and the representatives of the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) and the Ministry of Science and Technology (Department of Science and Technology) to the sitting of the Committee and apprised them about the agenda of the sitting i.e. consideration and adoption of draft Memorandum No.11 with respect to the examination of non-exempt Statutory Body, namely, the Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Trivandrum, from the angle of 'Office of Profit'.

4. The representatives of the Department of Legal Affairs submitted that the Supreme Court, in the case of Ravanna Subanna vs. G.S. Kaggeerappa (1954), has held that "the word 'profit' connotes the idea of pecuniary gain. If there is really a gain, a quantum of amount

would not be material; but the amount of money receivable by a person in connection with the office he holds may be material in deciding whether the office really carries a profit". The representative further submitted that "the Parliament (Prevention of Disqualification) Act, 1959 merely provides for the provision of compensatory allowance.

5. While deliberating upon the agenda of the sitting, the representatives of the Department of Science and Technology submitted that members of Parliament who are elected to the Institute are entitled for travelling allowance, daily allowance and hospitality charges as per the statutory provision *i.e.* Act. However, the Committee was informed that the Institute has not been giving hospitality charges to the Hon'ble Members who have been elected to this body. The members so elected to the 'Institute Body' are entitled for TA / DA but that again is not being claimed by them. The term 'hospitality charges' in Regulation 22 of the Sree Chitra Tirunal Institute of Medical Sciences and Technology Act, 1980 (*hereinafter* referred as the Act, 1980) needs to be amended in order to save the members of Parliament from disqualification."

6. After hearing the submission of the representatives of the Department of Science and Technology and the Department of Legal Affairs, the Committee found that Regulation 22 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Regulations, 1981 needs to be amended in order to save Members of Parliament from disqualification though no hospitality charges are being reportedly paid / given to them. The Committee, therefore, after deliberation, desired that the Department of Science and Technology may amend the said Act / Regulation of 1981 in consonance of the provisions of the Act, 1959. As the power to make Regulations lies with the Institute under Section 32 of the Act, 1980, the Committee desired the Ministry of Science and Technology to move amendment in the said Act / Regulations to the effect that if member of Parliament are appointed or elected in future to the Institute, they shall not be allowed hospitality charges.

7. XX XX XX XX

8. XX XX XX XX

The Committee considered and approved the Memorandum No.11.

The Committee then adjourned.

A verbatim record of the proceedings has been kept.

XX Does not pertain to this Committee.

Joint Committee on Offices of Profit
(17th Lok Sabha)

Minutes of the Sitting of the Committee

The Committee sat on Tuesday, 29 March, 2022 from 1500 to 1510 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

Present

Dr. Satya Pal Singh

-

In the Chair

Members

Lok Sabha

2. Shri Behanan Benny
3. Dr. Manoj Rajoria
4. Shri Balashowry Vallabbhaneni
5. Shri Shyam Singh Yadav

Rajya Sabha

6. Dr. Sasmit Patra
7. Shri V. Vijayasai Reddy
8. Ms. Dola Sen
9. Shri Hardwar Dubey

Secretariat

1. Shrimati Suman Arora -- Joint Secretary
2. Shri Sundar Prasad Das -- Director
3. Shri Uttam Chand Bharadwaj -- Additional Director

2. At the outset, the Chairperson of the Joint Committee on Offices of Profit welcomed the Members of the Committee to the sitting of the Committee and apprised them about the agenda of the sitting i.e. consideration and adoption of three draft Reports regarding examination of election of Members of Parliament to the 'Central Committee of the Tuberculosis Association of India' (CCTAI); the 'Indian Nursing Council' (INC); and the 'Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Trivandrum'. The Committee unanimously adopted the three draft Reports without any modification. The Committee authorised the Chairperson to finalise the Reports, as per the

factual verification from the Ministry / Department concerned and present these to both the Houses of Parliament.

3. XX XX XX XX

The Committee then adjourned.

XX Does not pertain to this Report.