

[Mr. Speaker]

2. Shri Gyaneshwar Yadav ; and
3. Shrimati Shakuntla Nair."

SHRI K. MANOHARAN (Madras North) : Are they safe under police custody ?

MR. SPEAKER : I think they must be out of it now.

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12.45 hrs.

MOTION RE: CONSTITUTION OF JOINT COMMITTEE ON OFFICES OF PROFIT

THE MINISTER OF STATE IN THE
MINISTRY OF LAW AND JUSTICE
(SHRI NITIRAJ SINGH CHAUDHARY):
Sir, I beg to move :

"That a Joint Committee of the House to be called the Joint Committee on Offices of Profit be constituted consisting of fifteen members, ten from this House and five from the Rajya Sabha, who shall be elected from amongst members of each House according to the principle of proportional representation by means of the single transferable vote ;

That the functions of the Joint Committee shall be—

- (i) to examine the composition and character of all existing 'committees' and all 'committees' that may hereafter be constituted, membership of which may disqualify a person for being chosen as, and for being, a member of either House of Parliament under article 102 of the Constitution ;

- (ii) to recommend in relation to the 'committees' examined by it what offices should disqualify and what offices should not disqualify ;

- (iii) to scrutinise from time to time the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, and to recommend any amendments in the said Schedule, whether by way of addition, omission or otherwise ;

That the Joint Committee shall from time to time, report to both Houses of Parliament in respect of all or any of the aforesaid matters ;

That the members of the Joint Committee shall hold office for the duration of the present Lok Sabha ;

That in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Committee;

That in other respects, the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make ; and

That this House recommends to the Rajya Sabha that the Rajya Sabha do join in the said Joint Committee and to communicate to this House the names of members to be appointed by the Rajya Sabha to the Joint Committee."

MR. SPEAKER : The Motion is before the House.

SHRI N. SREEKANTAN NAIR (Quilon): In this connection I want to bring to the urgent notice of this House that the functioning of the Joint Committee on Offices of Profit had been too technical and retrogressive. It was such an interpretation of Art. 102 by the Election Com.

mission that compelled the Parliament to enact the Parliament (Prevention of Disqualification) Act, 1959.

The Joint Committee had not been adopting the principles incorporated in the Act of 1959. While the membership of Board of Directors of the Air India and the State Trading Corporation of India and several other very important companies in the public sector have been taken out of the ambit of the offices of Profit by the Act of 1959 and its Schedule, the Coir Corporation of Kerala (another public sector undertaking of the Kerala Government and many other similar State-owned companies were dubbed as offices of profit by the Joint Committee.

Therefore, Sir, if you do not give a specific directive that the principles adopted in enacting the Parliament (Prevention of Disqualification) Act 1959, should be followed by this Committee, it becomes a very difficult process for the Parliament to throw out recommendations made by a Joint Committee of both the Houses of Parliament, because a Joint Committee is a miniature Parliament.

MR. SPEAKER : You have made your suggestion. It will be conveyed to them. Now, the question is :

"That a Joint Committee of the Houses to be called the Joint Committee on Offices of Profit be constituted consisting of fifteen members, ten from this House and five from the Rajya Sabha, who shall be elected from amongst members of each House according to the principle of proportional representation by means of the single transferable vote ;

That the functions of the Joint Committee shall be—

- (i) to examine the composition and character of all existing 'committees' and all 'committees' that

may hereafter be constituted, membership of which may disqualify a person for being chosen as, and for being, a member of either House of Parliament under article 102 of the Constitution ;

- (ii) to recommend in relation to the 'committees' examined by it what offices should disqualify and what offices should not disqualify ;
- (iii) to scrutinise from time to time the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, and to recommend any amendments in the said Schedule, whether by way of addition, omission or otherwise ;

That the Joint Committee shall, from time to time, report to both Houses of Parliament in respect of all or any of the aforesaid matters ;

That the members of the Joint Committee shall hold office for the duration of the present Lok Sabha ;

That in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Committee ;

That in other respects, the Rules of procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make ; and

That this House recommends to the Rajya Sabha that the Rajya Sabha do join in the said Joint Committee and to communicate to this House the names of members to be appointed by the Rajya Sabha to the joint Committee.

The motion was adopted