

Item No.5 ACADEMIC MATTERS:

5: 1- Statutes, Ordinances, Regulations & Rules.

- (i) Amendment to Clause(xiv) of Statute-10A(1)
on composition of Court.

The Ministry of Human Resource Development Vide their D.O.No.F.1-3/2000-Desk(U) of 27th June,2001 as placed at Annexure-'A' have forwarded a copy of the Office Memorandum No:F.1-1/96-CB of 24th May,1999 issued by the Ministry of Parliamentary Affairs as placed at Annexure-'B' and have requested the University to make suitable provision in the relevant statute and/or the rules made thereunder to the effect that consequent upon a member of Parliament becoming a Minister or Speaker/Deputy Speaker, Loksabha or Deputy Chairman,Rajya sabha, ~~his~~ nomination/election on the Statutory Body shall be deemed to have been terminated.

Accordingly, amendment to Clause(xiv) of Statute-10A(1) has been prepared and placed as Annexure-'C'

The matter is placed before the Council for consideration.

File No:Conf/15-1/Stat/87(Vol.III)/

CHAMPAK CHATTERJI
JOINT SECRETARY
TEL: 338 4359

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT, DEPARTMENT OF
SECONDARY EDUCATION & HIGHER
EDUCATION, GOVERNMENT OF INDIA,
SHASTRI BHAVAN, NEW DELHI-110001

D.O.NO:F.1-8/2000-Desk(U)

Dated: 27.6.2001

Dear Prof Miri

I am writing to you in context of the nominations of Members of Parliament on the statutory bodies of the Universities. As per the Office memorandum of the Ministry of Parliamentary Affairs dated 24.5.99 (copy enclosed), Members of Parliament nominated on the Statutory Bodies should cease to be members of such bodies on their elevation to the positions of Minister, Speaker/Deputy Speaker, Lok Sabha or Deputy Chairman, Rajya Sabha. However, because of the absence of an explicit provision to this effect in the relevant Statutes of the University, in certain cases the membership of the concerned Member of Parliament on the Court of the University has not been terminated on appointment as a Minister. The Ministry of Parliamentary Affairs has, therefore, advised us to review all cases in which representations have been given to Members of Parliament on Statutory Bodies and to make suitable provision in the relevant Statute and/or the rules made thereunder to the effect that consequent on a Member of Parliament becoming a Minister or Speaker/Deputy Speaker, Lok Sabha or Deputy Chairman, Rajya Sabha, his/her nomination/election on the Statutory Body shall be deemed to have been terminated.

2. We shall be grateful if you would kindly initiate action for making necessary amendments to the relevant Statutes of your University to make the above provision in respect of representation of Members of Parliament on the Statutory Bodies of the University.

With regards,

Yours sincerely,

Sd/-

(Champak Chatterji)

Prof Mrinal Miri
Vice-Chancellor,
NEHU, Shillong: -793022

No:F.1-1/96-CB

Government of India

Ministry of Parliamentary Affairs

86-B, Parliament House,
New Delhi

24th May'1999

OFFICE MEMORANDUM

Subject :- Amendment of relevant Acts and/or Rules made thereunder in respect of various Government/Statutory Bodies on which Members of Parliament are nominated/elected.

As the Ministry of Home Affairs etc are aware, members of Parliament are nominated on various Government/Statutory Bodies from time to time. Whereas the nomination of the MPs on Government Bodies is made by the Ministry of Parliamentary Affairs, their representation on Statutory Bodies is made according to the provision of the Statute either through nomination by the Hon'ble Chairman of Rajya Sabha/Speaker, Lok Sabha or by election in the respective House of parliament, MPs nominated on Statutory Bodies normally, cease to be members of such Bodies on their elevation to the position of Ministers, Speaker/Deputy Speaker, Lok Sabha, Deputy Chairman, Rajya Sabha.

However, a specific case has been brought to the notice of this Ministry in which a certain Ministry to begin with treated a member of Parliament, nominated/elected on a particular statutory Body, but subsequently elevated as above, as having vacated his/her membership of that Body, later on coming to know that no provision for termination of membership existed in the relevant statute, after reconsidering the matter instead treated that same member as continuing in the position of a member of that same body even after the member had become a Minister.

The abovementioned case has given rise to an anomalous situation in administrative etc. terms and the matter has been considered in this Ministry. It has been decided in consultation with the Ministry of Law, Justice and company Affairs that in order to prevent such situations from recurring in future, a clear provision should be made in all the relevant Acts and the Rules made thereunder to the effect that consequent on a member of Parliament becoming a Minister or Speaker/Deputy Speaker, Lok Sabha or Deputy Chairman, Rajya Sabha his/her nomination/Election a Statutory Body shall be deemed to have been terminated.

The Ministry of Home Affairs etc. are, therefore, requested to review all the cases in which representations may have been given to members of Parliament on Statutory Bodies and make a suitable provision to the above effect in the relevant Statute and/or the rules made thereunder. Similar provisions may be made also in the relevant rules governing the nomination of MPs on other Government Bodies on which the representation of members of parliament is normally provided.

Receipt of this O.M. may please be acknowledged.

Sd/-
(B C Ray)

Deputy Secretary to the Govt. of India
Tele.No: 3034844

To
All Ministries/Departments of
the Government of India. (Parliament Section)

Amendment to Clause(xiv) of Statute-10A(1)
on composition of Court.

Existing provision	Proposed amendment
<u>REPRESENTATIVES OF PARLIAMENT</u>	<u>REPRESENTATIVES OF PARLIAMENT</u>
(xiv) Six representatives of parliament, four to be nominated by the Speaker of the Lok Sabha from among the members thereof and two to be nominated by the Chairman of the Rajya-Sabha from among the members thereof.	(xiv) Six representatives of parliament, four to be nominated by the Speaker of the Lok Sabha from among the members thereof and two to be nominated by the Chairman of the Rajya Sabha from among the members thereof. However, in the event that a member of parliament becomes a Minister or Speaker/ Deputy Speaker, Lok Sabha, or Deputy Chairman, Rajya Sabha, his nomination/election on the Statutory Body shall be deemed to have been terminated.

- (xiii) Extension of appointment of Dr. SK Gupta as Visiting Professor, Department of Physics.

EC:110:2001:3:(xiii): The Council ratified the action taken in extending of appointment of Dr. SK Gupta as Visiting Professor, Department of Physics for a period of one year w.e.f. 1.9.2001 to 31 .8. 2002.

Item No.5

ACADEMIC MATTERS:

5:1- Statutes, Ordinances, Regulations & Rules:

- (i) Amendment to Clause (xiv) of Statute 10-A(i) on composition of Court.

EC:110:2001:5:1:(i): The Council considered the amendment to Clause (xiv) of Statute 10-A(i) on composition of the Court and RESOLVED to approve the same as follows:

AMENDMENT TO CLAUSE (xiv) OF STATUTE 10 A(1) ON COMPOSITION OF THE COURT

Existing provision	Proposed Amendment
<p>Representatives of Parliament</p> <p>(xiv) Six representatives of Parliament, four to be nominated by the Speaker of the Lok Sabha from among the members thereof and two to be nominated by the Chairman of the Rajya Sabha from among the members thereof.</p>	<p>Representatives of Parliament</p> <p>(xiv) Six representatives of Parliament, four to be nominated by the Speaker of the Lok Sabha from among the members thereof and two to be nominated by the Chairman of the Rajya Sabha from among the members thereof. However, in the event that a member of Parliament becomes a Minister or Speaker / Deputy Speaker / Lok Sabha, or Deputy Chairman, Rajya Sabha, her / his nomination election on the Statutory Body shall be deemed to have been terminated.</p>