



Daily current affairs

Posted at: 27/10/2018

Office of profit

Why in News?

President Ram Nath Kovind on Thursday dismissed a petition to disqualify 27 Aam Aadmi Party (AAP) members of the Delhi legislative assembly for allegedly holding offices of profit after being appointed as chairpersons of Rogi Kalyan Samitis (patient welfare committees) attached to various city hospitals. The decision, based on a recommendation by the Election Commission of India (EC), comes as a moral boost to the ruling AAP government.

Election Commission's observations:

The office of chairperson in Rogi Kalyan Samiti in hospitals of GNCTD (government of national capital territory of Delhi) falls under the exempted category as per item 14 of the Schedule of the Delhi Members of Legislative Assembly (Removal of Disqualification) Act-1997.

What are the basic criteria to disqualify an MP or MLA?

Basic disqualification criteria for an MP are laid down in Article 102 of the Constitution, and for an MLA in Article 191. They can be disqualified for:

- a. Holding an office of profit under government of India or state government;
- b. Being of unsound mind;
- c. Being an undischarged insolvent;
- d. Not being an Indian citizen or for acquiring citizenship of another country.

What is 'office of profit'?

- The word 'office' has not been defined in the Constitution or the Representation of the People Act of 1951.
- But different courts have interpreted it to mean a position with certain duties that are more or less of public character.
- However, a legislator cannot be disqualified from either the Parliament or state

Assembly for holding any office. It can be done for holding:

- a. An office;
 - b. An office of profit;
 - c. An office under the union or state government;
 - d. An office exempt by law from purview of disqualificatory provisions.
- All four conditions have to be satisfied before an MP and MLA can be disqualified.

How do courts or EC decide whether an MP or MLA has profited from an office?

The Supreme Court, while upholding the disqualification of Jaya Bachchan from Rajya Sabha in 2006, had said, "For 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)..."

However, a person who acquires a contract or licence from a government to perform functions, which the government would have itself discharged, will not be held guilty of holding an office of profit. So, acquiring a gas agency from the government or holding a permit to ply do not amount to holding office of profit.

What is the underlying principle for including 'office of profit' as criterion for disqualification?

Makers of the Constitution wanted that legislators should not feel obligated to the Executive in any way, which could influence them while discharging legislative functions. In other words, an MP or MLA should be free to carry out her duties without any kind of governmental pressure.

Anti- Defection law

Why in News?

In a huge relief to the AIADMK government, Madras High Court has upheld the order disqualifying its 18 rebel MLA.

What's the issue?

The 18 AIADMK MLAs were disqualified on September 18 last year under the anti-defection law after they met the governor and expressed loss of confidence in chief

minister K. Palaniswami.

- On June 14, a high court division bench of then Chief Justice Indira Banerjee and Justice M Sundar had delivered a split verdict. Banerjee had upheld Speaker P. Dhanapal's order disqualifying them, while Sundar had passed a dissenting judgment.
- The Supreme Court had then appointed Justice M. Sathyanarayanan to hear the matter.

What is anti- defection law?

Aaya Ram Gaya Ram (He came, he left) is a Hindi expression that became popular in Indian politics after a Haryana MLA Gaya Lal changed his party thrice within the same day in 1967. From the Indian National Congress, he switched to the United Front, back to Congress and then within nine hours to United Front again. The tenth schedule of the Indian Constitution, also called the Anti-Defection act, was amended in 1985 to prevent such defections and stop politicians from changing parties for the lure of office.

Under Anti-Defection Act, an elected member of a party can be disqualified on two grounds:

1. If he voluntarily gives up his membership or.
2. He votes or abstains from voting in the House, contrary to his party's direction and without obtaining prior permission.

Another condition is that his abstaining the voting should not be overlooked by his party within 15 days of such incident.

According to the anti-defection law, at least two-thirds of the members of a party have to be in favour of a 'merger' for it to possess validity in the eyes of the law.

The following, however, will not be considered defections:

1. If a complete political party merges with another political party
2. If a new political party is created by the elected members of one party
3. If the party members don't accept the merger between the two parties and opts to perform as a separate group from the time of such a merger.

International Air Transport Association (IATA)

Why in News?

IATA has released a report on 20-year forecast for the aviation industry.

Highlights of the report:

- India will be the third largest aviation market globally a year sooner than was earlier predicted. It is now expected to be among the top three countries by 2024 from its current seventh position.
- Air passenger numbers worldwide could double to 8.2 billion in 2037. The biggest contribution in this growth will come from the Asia-Pacific region, which will account for half the total number of new passengers over the next 20 years.
- While China will climb up one spot to displace US as the world's largest aviation market in the mid-2020s, India will take the third place by surpassing the U.K. around 2024.
- By 2037, India is expected to add 414 million passengers to its existing 572 million passengers.
- In fact, the Asia-Pacific region is expected to see the fastest growth at the rate of 4.8%, followed by Africa (4.6%) and west Asia (4.4%).
- The other south-east Asian countries predicted to grow rapidly include Indonesia, likely to be the fourth largest by 2030 from its current ranking of 10th largest aviation market. Thailand, too, is expected to enter the top 10 markets in 2030.

About IATA:

- The International Air Transport Association (IATA) is the trade association for the world's airlines, representing some 280 airlines or 83% of total air traffic.
- Formed in April 1945, it is the successor to the International Air Traffic Association, which was formed in 1919.
- It is headquartered in Montreal, Quebec, Canada with Executive Offices in Geneva, Switzerland.

Functions:

- IATA supports airline activity and helps formulate industry policy and standards.
- It also provides consulting and training services in many areas crucial to aviation.

Tagore Award for Cultural Harmony

Why in News?

The Tagore Award for Cultural Harmony for the years 2014, 2015 & 2016 is being conferred on the doyen of Manipuri dance Sh. RajkumarSinghajit Singh; Chhayanaut (a cultural organization of Bangladesh) and on one of India's greatest sculptors, Sh. Ram VanjiSutar, respectively.



About the Tagore award:

- The annual award was instituted by the Government of India during the commemoration of 150th Birth Anniversary of Gurudev Rabindranath Tagore.
 - The first Tagore Award was conferred on Pt. Ravi Shankar, the Indian Sitar Maestro in 2012 and second was conferred on Shri Zubin Mehta in 2013.
 - The award carries an amount of Rs. 1 crore, a citation in a scroll, a plaque as well as an exquisite traditional handicraft/ handloom item.
 - The award is open to all persons regardless of nationality, race, language, caste, creed or sex.
 - Awardees are selected by a jury headed by the Prime Minister of India.
-
-

