

- 1. 'THERE IS A NEED FOR AN ESTABLISHED DEFINITION OF 'OFFICE OF PROFIT IN INDIA' THROUGH CONSENSUS.' DISCUSS THE NECESSITY OF THE PROVISIONS FOR 'OFFICE OF PROFIT' IN THE LIGHT OF THE RECENT DEVELOPMENT IN DELHI. SUGGEST IMPROVEMENT IN THE EXISTING PROVISIONS.**

Answer

The term 'Office of Profit' is found mention in Article 102 (1) (A) and 191 (E) of the Constitution of India and also under Section 9 (A) of the Representation of People Act. It bars a member of Indian Parliament from holding an office that would give its occupant the opportunity to gain any financial advantage. The actual amount of profit gained during the violation has no bearing on its classification.

The expression "office of profit" has not been defined in the Constitution or in the Representation of the People Act, 1951. It is for the courts to explain the significance and meaning of this concept. Thus the final interpretation and decision whether a person is disqualified or not rests with the courts and not with Parliament.

Under Parliamentary dispensation, the people's representatives are called upon to keep the executive at arm's length and not be swayed by baits of pecuniary and other privileges thrown by the latter. The members of legislature keep a sharp eye on the executive and make it accountable for its omissions and commissions. However, India lacks a comprehensive legal provision on what to be the meaning and scope of the Office of Profit. Controversies like the appointment of members of Delhi Legislative Assembly as Parliamentary Secretaries crop up time and again and past has been witness to it. The time is overdue to define the provision in the larger interest of Indian political system. Also, defining the ultimate authority in identifying any office as 'Office of Profit' is an utmost need.