

The Code on Social Security, 2020

Section 8 - Disqualification and removal of a member of any Social Security Organisation

(1) No person shall be chosen as, or continue to be, a member of a Social Security Organisation, or any Committee thereof who,---

- (a) is or at any time has been adjudged an insolvent; or
- (b) is found to be a lunatic or becomes of unsound mind; or
- (c) is or has been convicted of any offence involving moral turpitude; or
- (d) is an employer in an establishment and has defaulted in the payment of any dues under this Code;
- (e) is a member of a Social Security Organisation being a member of the Parliament or a member of a State Legislative Assembly, when he ceases to be such member of the Parliament or State Legislative Assembly, as the case may be; or
- (f) is a member of Social Security Organisation being a member of the Parliament or a member of a State Legislative Assembly, and he becomes a---
 - (i) Minister of Central or State Government; or
 - (ii) Speaker or Deputy Speaker of House of the People or a State Legislative Assembly; or
 - (iii) Deputy Chairman of the Council of States.

Explanation 1.--- If any question arises whether any person is disqualified under clause (d), it shall be referred to the appropriate Government and the decision of the appropriate Government on any such question shall be final.

Explanation 2.--- Clause (f) shall not apply in case of persons who are members of the Social Security Organisation ex officio, by virtue of being a Minister.

(2) The Central Government, in case of the Central Board, the Corporation and the National Social Security Board and the State Government in case of the State Unorganised Workers' Board and the Building Workers' Welfare Board, may remove any member of such Social Security Organisation from his office, who,---

- (a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or
- (b) is absent without leave of the Social Security Organisation of which he is a member for more than three consecutive meetings of the Social Security Organisation or a Committee thereof;
- (c) in the opinion of such Government, has so abused the position of his office as to render that member's continuation in the office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such member in the opinion of such Government:

Provided that no person shall be removed under clauses (b) and (c), unless that person has been given an opportunity to show cause as to why he should not be removed:

Provided further that a member of the Executive Committee of the Central Board or the Standing Committee of the Corporation shall cease to hold office if he ceases to be a member of the Central Board or the Corporation, as the case may be.

(3) Any member of a Social Security Organisation or a Committee thereof may at any time resign from his office in writing under his hand addressed to the Central Government or the State Government, as the case may be, which had made his appointment and on acceptance of such resignation, his office shall become vacant.

(4) If in a Social Security Organisation or a Committee thereof, the Central Government or the State Government, as the case may be, is of the opinion that---

- (a) any member thereof representing employers or the employees or the unorganised workers, as the case may be, ceases to adequately represent so; or
- (b) any member thereof representing to be an expert in a specified area, is later on found not to possess sufficient expertise in that area; or
- (c) having regard to exigencies of circumstances or services in such Government, the member thereof representing such Government cannot continue to represent the Government, then, such

Government may, by order, remove such member from his office:

Provided that no person shall be removed under clause (a) or clause (b), unless that person has been given an opportunity to show cause as to why he should not be removed.

(5) If any member of a Social Security Organisation or a Committee thereof, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any matter coming up for consideration of the Social Security Organisation or a Committee thereof, then, he shall, as soon as may be possible after such fact of interest has come to his knowledge, disclose the nature of the interest and such disclosure shall be recorded in the proceedings of the Social Security Organisation or the Committee thereof, as the case may be, and such member, thereafter, shall not take part in any proceeding or decision of the Social Security Organisation, or a Committee thereof relating to that matter.

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