

JOINT COMMITTEE ON OFFICES OF PROFIT

TWELFTH REPORT

(SEVENTH LOK SABHA)



*Presented to Lok Sabha on 23rd August, 1984
Laid in Rajya Sabha on 23rd August, 1984*

**LOK SABHA SECRETARIAT
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THE TWELFTH REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (SEVENTH LOK SABHA)

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**JOINT COMMITTEE ON OFFICES OF PROFIT
(SEVENTH LOK SABHA)**

COMPOSITION OF THE JOINT COMMITTEE

Shri Gulsher Ahmed—Chairman

MEMBERS

Lok Sabha

- *2. Shri Ajitsinh Dabhi
- 3. Shri Harish Kumar Gangwar
- 4. Shri Krishna Chandra Halder
- 5. Shri Virdhi Chander Jain
- 6. Shri Jamilur Rahman
- 7. Shri Rashid Masood
- 8. Shri S.A. Dorai Sebastian
- 9. Shri N. K. Shejwalkar
- 10. Shri Nandi Yellaiah

Rajya Sabha

- 11. Shri Syed Rahmat Ali
- **12. Shri Ram Bhagat Paswan
- @13.
- @14.
- %15.

SECRETARIAT

Shri N. N. Mehra—Joint Secretary

Shri S. D. Kaura—Chief Legislative Committee Officer

Shri S. S. Chawla—Senior Legislative Committee Officer

*Elected by Lok Sabha on the 21st July, 1982, vice Shri Jagan Nath Kaushal resigned from the Committee.

**Elected by Rajya Sabha on the 11th August, 1982 vice Prof. N. M. Kamble ceased to be member of the Joint Committee on his retirement from that House.

@Vacant on account of Shri Dinesh Goswami and Shri Robin Kakati ceasing to be members of the Joint Committee on their retirement from Rajya Sabha on the 9th April, 1984.

%Vacant on account of Shri Lakhan Singh ceasing to be a member of the Joint Committee on his retirement from Rajya Sabha on the 2nd April, 1984.

REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

I

INTRODUCTION

I, the Chairman of the Joint Committee on Offices of Profit, having been authorised by the Committee to present the Report on their behalf, present this their Twelfth Report of the Committee.

1.2 The matters covered by the Report were considered by the Committee at their sittings held on 24th and 25th May, 7th and 21st June, 13th July and 8th August, 1984. Minutes of these sittings form part of the Report and are at Appendix.

1.3 The Committee considered the composition, character, functions, etc. of 39 Boards/Committees/Corporations/Commissions etc. constituted by the Central Government, State Governments and the Union Territory Administrations and the emoluments and allowances payable to their members.

1.4 The detailed information regarding the composition, character, functions, emoluments and allowances payable to the members of these bodies was furnished by the concerned Ministries/Departments of the Central Government, State Governments and the Union Territory Administrations.

1.5 The Committee considered and adopted the Report on 17th August, 1984.

1.6 The observations/recommendations of the Committee in respect of the matters considered by them are given in the succeeding paragraphs.

II

BOARDS/COMMITTEES/CORPORATIONS/COMMISSIONS ETC. CONSTITUTED BY THE CENTRAL, STATE GOVERNMENTS AND UNION TERRITORY ADMINISTRATIONS

The Central Advisory Contract Labour Board (Ministry of Labour)

2.1 The Committee note that the non-official members of the Central Advisory Contract Labour Board are entitled only to T.A. and D.A. as per rules which are covered by the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Board are to make recommendations to the Government in connection with the implementation of the Contract Labour Act and also to regulate the employment of Contract Labour in certain establishments. As such, the functions of the said Board are of advisory nature. Hence, the Committee feel that the non-official members of the Central Advisory Contract Labour Board *ought to be exempt* from disqualification.

Command Area Development Authority Board of Nagarjunasagar Right Canal Command Area (Andhra Pradesh)

2.2 The Committee note that the non-official members of the Command Area Development Authority Board are paid T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The functions of the Board are to approve programmes, to review the implementation of work, and to give suggestions pertaining to Command Area Development work, subject to general policy directions issued by the Government from time to time. Thus, the functions are mainly advisory in nature. As such, the Committee feel that the non-official members of the said Board *ought to be exempt* from disqualification.

Command Area Development Authority Board of Nagarjunasagar Left Canal Command Area (Andhra Pradesh)

2.3 The Committee note that the non-official members of the Command Area Development Authority Board of Nagarjunasagar Left Canal Command Area (Andhra Pradesh) are paid T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The functions of the Board are to approve programme, to review the implementation of work, and to give suggestions pertaining to command area development work, subject to

general policy directions issued by the Government from time to time. Thus, the functions are mainly advisory in nature. As such, the Committee feel that the non-official members of the said Board *ought to be exempt* from disqualification.

*Command Area Development Authority Board of Sriramsagar
Command Area (Andhra Pradesh)*

2.4 The Committee note that the non-official members of the Command Area Development Authority Board of Sriramsagar Command Area (Andhra Pradesh) are paid T.A. and D.A. as per rules which are covered by the 'compensatory allowance'.

The functions of the Board are to approve programme, to review the implementation of work, and to give suggestions pertaining to command area development work, subject to general policy directions issued by the Government from time to time. Thus the functions are mainly advisory in nature. As such, the Committee feel that the non-official members of the said Board *ought to be exempt* from disqualification.

*Command Area Development Authority Board of Tungabhadra
Project Command Area (Andhra Pradesh)*

2.5 The Committee note that the non-official members of the Command Area Development Authority Board of Tungabhadra Project Command Area (Andhra Pradesh) are paid T.A. and D.A. as per rules which are covered by the 'compensatory allowance'.

The functions of the Board are to approve programme, to review the implementation of work, and to give suggestions pertaining to command area development work, subject to general policy directions issued by the Government from time to time. Thus, the functions are mainly advisory in nature. As such, the Committee feel that the non-official members of the said Board *ought to be exempt* from disqualification.

*State Level Co-ordination Committee for Nationalised
Banks (Gujarat)*

2.6 The Committee note that the non-official members of the State Level Co-ordination Committee for Nationalised Banks (Gujarat) are paid T.A. at the rate of Rs. 10/- and D.A. at rate of Rs. 50/-maximum. The amount thus drawn are covered by the 'compensatory allowance'. The functions of the Committee are mutual exchange of views and coordination amongst Government Departments Nationalised Banks, Corporations and Cooperative

Banks for Industrial and Agricultural Developments of the State. Thus, the functions are mainly advisory in nature. As such, the Committee feel that the non-official members of the aforesaid Co-ordination Committee *ought to be exempt* from disqualification.

District Planning Board (Gujarat)

2.7 The Committee note that the non-official members of the District Planning Board, Gujarat are entitled to T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The main functions of the Committee are to prepare perspective plan ensuring balanced development of the District and to undertake a regular and effective review and evaluation of all the district level schemes and programmes being implemented in the district and to take remedial measures for the successful implementation of each scheme. Thus, the Board exercises/executive powers leading to wielding of influence. As such, the Committee are of the view that the membership of the said Board *ought not to be exempt* from disqualification.

In this connection, the Committee have also noted that Joint Committee on Offices of Profit (Fifth Lok Sabha) had examined a similar District Planning Board, Jalgaon (Maharashtra) and recommended that members of that Board ought to be exempt from disqualification *vide* paragraph 16 read with Appendix 1, Item 7 of their Sixth Report (Fifth Lok Sabha). However, in the case of State Planning Board, Maharashtra, the present Joint Committee on Offices of Profit (Seventh Lok Sabha) had recommended that the non-official members *ought not to be exempt* from disqualification *vide* their Eighth Report (Seventh Lok Sabha), paragraph 2.19.

State Committee on Employment (Haryana)

2.8 The Committee note that the non-official members of the Haryana State Committee on Employment are entitled to T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. Besides, the functions of the Committee are to review the employment position and assess employment and unemployment trends and suggest measures for expanding employment opportunities. Thus, the functions of the Committee are advisory in nature. As such, the Committee feel that the non-official members of the State Committee on Employment *ought to be exempt* from disqualification.

In this connection, the Committee have also noted that the Joint Committee on Offices of Profit (Fifth Lok Sabha) had examined similar cases of District Committee on Employment, Chittoor (Andhra Pradesh) and the Regional Committee on Employment, Kurnool (Andhra Pradesh) and had

recommended that the membership of those bodies ought to be exempt from disqualification *vide* their Ninth Report (Fifth Lok Sabha), paragraph 27.

District Level Civil Supplies Advisory Committee for each district and Sub-Divisional Level Civil Supplies Advisory Committee for each Sub-Division in the State (Haryana)

2.9 The Committee note that no remuneration is paid to the non-official members of the District Level Civil Supplies Advisory Committee for each District and Sub-Divisional Level Civil Supplies Advisory Committee for each Sub-Division in the State (Haryana). The functions of the Committee are to review the arrangements made for distribution of essential commodities like kerosene, sugar etc. and to suggest ways and means to improve the distribution system. As such, the functions of the Committee are purely advisory in nature. Hence, the Committee feel that the non-official members of the Civil Supplies Advisory Committee for each District and each Sub-Division in the Haryana State, *ought to be exempt* from disqualification.

In this connection, the Committee have noted that the Joint Committee on Offices of Profit (Fifth Lok Sabha) had examined a similar body, namely, District Civil Supplies Advisory Committee, Gujarat and had recommended that the membership of that body ought to be exempt from disqualification, *vide* their Tenth Report (Fifth Lok Sabha), paragraph 33, read with Item No. 31 of Appendix I.

*The Haryana State Legal Service and Advice Board
(Haryana)*

2.10 The Committee note that members of Parliament/State Legislature who are members of the Haryana State Legal Service and Advice Board are paid T. A. and D. A. as admissible to them in their capacity as a Member of Parliament or of the Legislative Assembly. Such payments are covered by the compensatory allowance. The functions of the Board includes, *inter alia*, arrangement to make payment of honorarium to legal practitioners on the panel for legal service and to provide for other costs, charges and expenses of legal aid from funds placed at the disposal of the Board. As such, the functions of the Board are executive and financial in nature and its members are in a position to wield influence. Hence, the Committee feel that the non-official members of the said Board *ought not to be exempt* from disqualification.

In this connection, the Committee have also noted that the Joint Committee on Offices of Profit (Seventh Lok Sabha) had examined a similar

body, namely, the Maharashtra State Legal Aid and Advice Board, and had recommended that the non-official members (including the executive Chairman) of that Board ought not to be exempt from disqualification *vide* their Fifth Report (Seventh Lok Sabha), paragraph 2.11.

Committee on Evaluation of Plan Schemes in Himachal Pradesh

2.11 The Committee note that the non-official members of the Committee on Evaluation of Plan Schemes in Himachal Pradesh are entitled to payment of D.A. which is covered by the 'compensatory allowance'. The functions of the Committee are to evaluate and assess the plan programmes, schemes and their impact on the economy and to review the employment situation and manpower planning. Thus, the functions are mainly advisory in nature. As such, the Committee feel that the non-official members of the Committee on Evaluation of Plan Schemes in Himachal Pradesh *ought to be exempt* from disqualification.

*Beas Sutlej Link Project Oustees Rehabilitation Committee
(Himachal Pradesh)*

2.12 The Committee note that the non-official members of the Beas Sutlej Link Project Oustees Rehabilitation Committee are entitled to T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The main function of the Committee is to advise the Government in proper rehabilitation of oustees. Thus, the function is purely advisory in nature. As such, the Committee feel that the non-official members of the Beas Sutlej Link Project Oustees Rehabilitation Committee *ought to be exempt* from disqualification.

*The Family Welfare Board
(Himachal Pradesh)*

2.13 The Committee feel that the non-official members of the Family Welfare Board, Himachal Pradesh are entitled to draw T.A. and D.A. as per *rules* which are covered by the 'compensatory allowance'. The functions of the Board are to discuss the new proposals and consider ways and means for popularising family welfare in order to check the growing population. Thus, the functions are mainly advisory in nature. As such, the Committee feel that the non-official members of the Board *ought to be exempt* from disqualification.

In this connection, the Committee have also noted that the Joint-Committee on Offices of Profit (Fifth Lok Sabha) had examined a similar State Family Planning Board, Tamil Nadu and had recommended that the non

official members thereof ought to be exempt from disqualification *vide* their Ninth Report (Fifth Lok Sabha), paragraph 27 read with Item No. 52 of Appendix I.

*State Level Pong Dam Oustees Rehabilitation Advisory
Committee (Himachal Pradesh)*

2.14 The Committee note that the non-official members of the State Level Pong Dam Oustees Rehabilitation Advisory Committee (Himachal Pradesh) are entitled to draw T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The functions of the Committee are purely advisory in nature as the Committee only advises the Government in solving the problems relating to the rehabilitation of Pong Dam Oustees. As such, the Committee feel that the non-official members of Pong Dam Oustees Rehabilitation Advisory Committee *ought to be exempt* from disqualification.

*State Level Integration Committee for promotion of National
Integration (Himachal Pradesh)*

2.15 The Committee feel that the non-official members of the State Level Integration Committee for promotion of National Integration (Himanchal Pradesh, are paid T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The main function of the Committee is to formulate the policies and programmes of national integration which is purely advisory in nature. As such the Committee feel that the non-official members of the State Level Integration Committee for promotion of National Integration *ought to be exempt* from disqualification.

*The Karnataka Sheep and Sheep Products Development Board
Bangalore, (Karnataka)*

2.16. The Committee note that the non-official members of the Karnataka Sheep and Sheep Products Development Board are eligible for T.A. and D.A. etc. as per rules. The Chairman, who is a non-official member, in addition to T.A. and D.A. is entitled to draw monthly remuneration of Rs. 1,500/-, House Rent Allowance at the rate of Rs. 500/- and the conveyance allowance at the rate of Rs. 600/-. The payments admissible to Chairman thus exceed the 'compensatory allowance'. The Board, which carries on activities relating to marketing of sheep, sheep-skin, wool, meat, their by-products and sheep feed and maintains sheep development farms, exercises wide executive and financial powers and is thus, in a position to wield influence and patronage. As such, the Committee feel that the

Chairman and other non-official members of the Karnataka Sheep and Sheep Products Development Board ought not to be exempt from disqualification.

The Karnataka Milk Products Limited (Karnataka)

2.17 The Committee note that the non-official Directors of the Karnataka Milk Products Limited are entitled to draw Rs. 20/- per meeting as out of pocket expenses and it is covered by the 'compensatory allowance'. However, the Company which performs such functions as are necessary for establishing a milk powder plant at Hubli—Dharwar, exercises executive and financial powers and is in a position to wield influence and patronage. As such, the Committee feel that the non-official Directors of the said Company *ought not to be exempt* from disqualification.

The Karnataka State Seed Certification Agency (Karnataka)

2.18 The Committee note that the non-official Directors of the Karnataka State Seed Certification Agency are entitled to T.A. and D.A. as per rules which are covered by the 'compensatory allowance.' The main functions of the Agency are to prepare and sanction the budget estimates and to fix the terms and tenure of appointment, emoluments, and other conditions of service of the officers and other staff of the Agency. The Agency, thus, exercises executive and financial powers and is in position to wield influence and patronage. As such, the Committee feel that the non-official Directors of the Karnataka State Seed Certification Agency *ought not to be exempt* from disqualification.

The Karnataka Dairy Development Corporation Limited (Karnataka)

2.19 The Committee note that the non-official Directors of the Karnataka Dairy Development Corporation are entitled to draw D.A. upto Rs. 50/- per day or actuals subjects to a ceiling of Rs. 100/- per day for halt outside the State and a sitting fee at the rate of Rs. 50/- per meeting which are not covered by the 'compensatory allowance'. The functions of the Corporation are to execute the Karnataka Dairy Development Project with the aid of the World Bank. Thus, the functions exercised by the Corporation are executive and financial in nature. The Corporation is also in a position to wield influence and patronage. As such, the Committee feel that the non-official Directors of the Karnataka Dairy Development Corporation Ltd. *ought not to be exempt* from disqualification.

**Board of Regents, University of Agricultural Sciences,
Bangalore (Karnataka)**

2.20 The Committee note that the non-official members of the Board of Regents, University of Agricultural sciences, Bangalore are entitled to draw T.A. and D.A. upto Rs. 51/-. The payment of such allowances are covered by the 'compensatory allowance'. The functions of the said Board are to approve the financial estimates of the University submitted by the Vice-Chancellor and to hold and control the property and funds of the university. As such, the Board exercises executive and financial powers and is in a position to wield influence and patronage. Hence, the Committee feel that the non-official members of the said Board *ought not to be exempt* from disqualification.

Karnataka Legal Aid Board (Karnataka)

2.21 The Committee note that the non-official members of the Karnataka Legal Aid Board are allowed a sitting fee and other allowance (not specified) and their rates are not given by the Board. The functions of the Board are mainly to utilise the funds at its disposal in such a way as to make legal aid readily available to the weaker sections of the society and to promote, guide and supervise the establishment and working of legal clinics, bureaux etc. Thus, the functions of the Board are executive and financial in nature and its members are in a position to wield influence. As such, the Committee feel that the non-official members of the Board *ought not to be exempt* from disqualification.

In this connection, the Committee have also noted that in the case of Maharashtra State Legal Aid and Advice Board, they, in paragraph 2.11 of their Fifth Report (Seventh Lok Sabha), had recommended as follows :—

“The Committee note that the executive Chairman of the Maharashtra State Legal Aid and Advice Board is entitled to receive an honorarium of Rs. 1,000—1500 p.m. which is not covered by the compensatory allowance. The other non-official members (including one Member of Parliament) are entitled to T.A. and D.A. which do not exceed the 'compensatory allowance'. The functions of the Board are, however, executive and financial in nature and its members are in a position to wield influence. As such, the Committee feel that the non-official members (including the executive Chairman) of the Board *ought not to be exempt* from disqualification.”

***Board of Directors of Mysore Sales International
Limited (Karnataka)***

2.22 The Committee note that the non-official Director of the Board of Directors of the Mysore Sales International Limited is not entitled to any T.A. and D.A. or any other kind of remuneration. The Committee also note that the Company in question is a marketing Organisation dealing with the products manufactured by the various Government and private concerns. As such, the functions of the Board of Directors are executive and financial in nature. Hence, the Committee feel that the non-official Director of the aforesaid Board *ought not to be exempt* from disqualification.

***Karnataka State Board on Civilian Rifle Training
(Karnataka)***

2.23 The Committee find that the non-official members of the Karnataka State Board on Civilian Rifle Training (Karnataka) are paid T.A. and D.A. as per rules. The amount, thus, drawn by them are covered by the 'compensatory allowance'. The functions of the Board are to maintain overall supervision and guide the implementation of the Civilian Rifle Training Scheme. Thus, the functions are also mainly advisory in nature. As such, the Committee feel that the non-official members of the Karnataka State Board on Civilian Rifle Training *ought not to be exempt* from disqualification.

***Board of Directors of Karnataka State Financial
Corporation (Karnataka)***

2.24 The Committee note that the non-official Directors of the Karnataka State Financial Corporation are paid T.A. as per rules determined by the Board. They are also entitled to a sitting fee of Rs. 75/- which does not come within the ambit of 'compensatory allowance'.

The Committee further note that the Board also exercises executive and financial powers in providing long term financial assistance to small or medium scale industries and giving preference to the development of industrially backward regions, technical entrepreneurs and other economically weaker sections. The general superintendence and management of the affairs and business of the Corporation are also vested in the Board of Directors. As such, the Committee feel that the non-official Directors of the Board *ought not to be exempt* from disqualification.

In this connection, the Committee have also noted that the joint Committee on Offices of Profit (Fifth Lok Sabha) had examined a similar

Board of Directors of the Gujarat State Financial Corporation and had recommended that directorship (including chairmanship) of the Corporation ought not to be exempt from disqualification *vide* their Eighth Report (5LS), paragraph 9.

***Karnataka Secondary Education Examination Board
(Karnataka)***

2.25 The Committee note that the non-official members of the Karnataka Secondary Education Examination Board (Karnataka) are eligible to T.A. and D.A. as per rules. In addition, a sitting fee of Rs. 15/- is also payable to them which does not come within the ambit of the 'compensatory allowance'.

The Board also exercises wide powers which are of executive and financial nature. As such, the Committee feel that the non-official members of the Board *ought not to be exempt* from disqualification.

***Board of Directors, Karnataka Wakf Development Corporation
Limited, (Karnataka)***

2.26 The Committee note that the non-official Directors of the Karnataka Wakf Development Corporation are not entitled to any T.A., D.A. or sitting fee. The Board, however, exercises executive and financial powers as the Corporation is engaged in developing the Wakf properties in Karnataka State by constructing shopping complexes, office accommodation, residential apartments and taking up management of Wakf institutions which are not managed properly.

As such, the Committee feel that the non-official Directors, including the Chairman of the Corporation, *ought not to be exempt* from disqualification.

***Board of Directors, Forest Development Corporation
Maharashtra Limited (Maharashtra)***

2.27 The Committee note that the non-official Directors of the Forest Development Corporation Maharashtra Limited (Maharashtra) are paid T.A. as per rules which is covered by the 'compensatory allowance' and that no other remuneration is admissible to them. The functions of the Board are to purchase, take on lease or acquire for the company property, rights or privileges which the company is authorised to acquire, to appoint and at their discretion, remove or suspend managers, secretary, officers, clerks etc., and to fix their salaries and to refer any claim or demand by or against the company to arbitration, and observe and perform the awards. Since, the Board exercises executive and financial powers, the Committee feel that the non-official Directors of the Board *ought not to be exempt* from disqualification.

State Board of Teacher Education (Maharashtra)

2.28 The Committee note that the non-official members of the State Board of Teacher Education (Maharashtra) are entitled to T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The Board, however, exercises executive power and wields influence or power by way of patronage as the Board prepares periodical plans and detailed programmes for the development of Teacher's Education and supervises the training institutions. As such, the Committee feel that the non-official members of the Board *ought not to be exempt* from disqualification.

District Advisory Committee and the District Industries Centres (Tamil Nadu)

2.29 The Committee note that the non-official members of the District Advisory Committee and the District Industries Centre, Tamil Nadu are paid T.A. and D.A. as per rules. Payment of these allowances are covered by the 'compensatory allowance'.

The functions of the Committee are to advise the Government on the measures for the succ/assful implementation of the District Industries Centres and as such, the functions of the Committee are of an advisory nature. The Committee feel that the non-official members of the District Advisory Committee and the District Industries Centres *ought to be exempt* from disqualification.

In this connection, the Committee have also noted that they had examined a similar District Level Advisory Committee for District Industries Centre Pondicharry Region and had recommended that the non-official members thereof ought to be exempt from disqualification *vide* their Fourth Report (Seventh Lok Sabha), paragraph 2.32.

Committee on Child Labour (Tamil Nadu)

2.30 The Committee note that the non-official members of the Committee on Child Labour (Tamil Nadu) are entitled to T.A. only, which is covered by the 'compensatory allowance'. The functions of the Committee are to ensure the implementation of welfare measures for the children employed in the Match Factories, Fire work Industries etc. and as such the functions are mainly advisory in nature. Hence, the Committee feel that the non-official members of the Child Labour Committee *ought to be exempt* from disqualification.

*State Level Advisory Committee for Rehabilitation of
Repatriates (Tamil Nadu)*

2.31 The Committee note that the non-official members of the Tamil Nadu state Level Advisory Committee for Rehabilitation of Repatriates are eligible for T. A. and D. A. only as per rules, the payments of which are covered by the 'compensatory allowance'. The main functions of the Committee are to review the implementation of the schemes for rehabilitation of repatriates from Sri Lanka and as such, the functions are mainly of an advisory nature. Hence, the Committee feel that the non-official members of the Advisory Committee *ought to be exempt* from disqualification.

*Committee on Management of the Chengalrayan Co-operative
Sugar Mills Ltd., Peri-sevalai South Arcot
District (Tamil Nadu)*

2.32 The Committee note that the non-official members of the Committee on Management of the Chengalrayan Co-operative Sugar Mills Ltd., Periasavalai, South Arcot District (Tamil Nadu) are entitled to T.A. only. However, a sitting fee for attending the meetings of the Committee is also admissible to the non-official members, payment of which does not come within the ambit of the 'compensatory allowance'. The Committee also exercises executive powers as the entire administration of the Mills is vested with the said Committee.

The Committee have also noted that the members of the above Management Committee are nominated by the Registrar of the Co-operative Societies by virtue of his powers specifically conferred on him under the Bye laws of the Co-operative Sugar Mills Limited and not as the representative of the Government. The Registrar cannot, therefore, be considered as an organ of the State Government. Moreover, in this case, the Government, as such, cannot exercise any direct control over the functioning of the Management Committee. In the circumstances, the Committee feel that members of the Management Committee under examination are not holding any office under the State Government of Tamil Nadu within the meaning of Article 191(1) of the Constitution.

In this connection, the Committee have observed that bodies constituted under the Cooperative Societies Act should continue to be examined by them.

**State Advisory Committee for Screening the applications for
the grant of Swatantrata Sainik Samman Pension of
the Government of India (Tamil Nadu)**

2.33 The Committee note that the non-official members of the state Advisory Committee for Screening the applications for the grant of Swatantrata Sainik Samman Pension of the Government of India (Tamil Nadu) are entitled to the payment of T.A. and D.A. and that no other remuneration is admissible to them. The amount, thus, drawn by them is covered by the 'compensatory allowance'.

The Committee, however, note that the State Advisory Committee is constituted with a view to investigate and forward to the Government of India applications of Freedom Fighters for the grant of Freedom Fighters' pension from the Central Revenues. By scrutinizing the applications and holding interviews of applicants for Freedom Fighters' pension, the said Advisory Committee exercises executive powers. As such, the Committee feel that the non-official members of the said State Advisory Committee *ought not to be exempt* from disqualification.

**Delhi Co-operative Development Board
(Delhi Administration)**

2.34 The Committee note that no remuneration is payable to the non-official members of the Delhi Co-operative Development Board. The functions of the Board are to suggest and formulate plans and policies for the development of Cooperative movement in Delhi and to advise the Delhi Administration on all matters connected there with. Thus, the functions are purely advisory in nature and its suggestions are not legally binding on the Administration. As such, the Committee feel that the non-official members of the said Board *ought to be exempt* from disqualification.

**District Man Power Planning and Employment Generation
Council (Delhi Administration)**

2.35 The Committee note that the non-official members of the District Man Power Planning and Employment Generation Council are entitled to T.A and D.A. which are covered by the 'compensatory allowance'. However, the functions of the Council are assessment of opportunities available in various sectors at the District level and forecast of their requirements in the near future and coordination with the agencies engaged in finance, marketing, supply of raw materials, etc. The Council, thus, exercises executive powers. As such, the Committee feel that the non-official members *ought not to be exempt* from disqualification.

**State Level Steering Committee on National Rural
Employment Programme, (Mizoram)**

2.36 The Committee note that no remuneration is paid to the non-official members of the State Level Steering Committee on National Rural Employment Programme, Mizoram. The functions of the Steering Committee are to review employment position and assess employment and unemployment trends and suggest measures for extending employment opportunities. As such, the functions of the Committee are advisory in nature. Hence the Committee feel that the membership of the non-official members of the State Level Steering Committee on National Rural Employment Programme, Mizoram *ought to be exempt* from disqualification.

State Transport Authority (Pondicherry)

2.37 The Committee note that the non-official members of the State Transport Authority (Pondicherry) are entitled to draw T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. However, they are entitled for sitting fee of Rs. 8/- per day which is not covered by the 'compensatory allowance'. The Authority, also exercises executive and quasi-judicial powers and is in a position to wield influence. As such, the Committee feel that the non-official members of the Authority *ought to be exempt* from disqualification.

In this connection, the Joint Committee on Offices of Profit have also noted that they had recently examined the cases of the State and Regional Transport Authorities *vide* paragraph 4.7 of their Tenth Report (Seventh Lok Sabha) and recommended, *inter alia* as follows:-

"The Committee, while reviewing their earlier recommendations (Thirteenth Report, Fifth Lok Sabha, para 31), note that all the State Transport and Regional Transport Authorities have been constituted under the Motor Vehicles Act, 1939, and have the same functions and powers. The Committee also note that they possess the power to issue permits, and are in a position to wield influence. They can also exercise quasi-judicial powers. As such, the Committee feel that not only the chairmanship and secretaryship but even ordinary membership of all the Authorities ought not to be exempt from disqualification".

***Rajasthan Water Resources Development Corporation Limited
(Rajasthan)—proposed nomination of Shri Rajesh Pilot,
M.P. as a member thereof***

2.38 The Committee, on a reference received from the Government of Rajasthan regarding the proposed nomination of Shri Rajesh Pilot, M.P. as a non-official member of the Rajasthan Water Resources Development Corporation Limited, note that the non-official members of the said Corporation are entitled to draw T.A. only as per rules of the Corporation. The payment, thus, received is covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Corporation are, however, executive and financial in nature as the said Corporation prepares schemes and awards contracts for construction of tubewells, lift irrigations etc. for utilisation of water and make arrangements to provide loans to farmers. The Corporation also recruits officers and staff. As such, the Committee feel that the non-official members of the said Corporation, including a member of Parliament if appointed, *ought to be exempt* from disqualification.

***Rajasthan Legal Aid Board (Rajasthan)—proposed
nomination of a Member of Parliament as a
member thereof***

2.39 On a reference received from the Government of Rajasthan regarding the proposed nomination of a Member of Parliament as a non-official member of the Rajasthan Legal Aid Board, the Committee note that the non-official members of the Rajasthan Legal Aid Board are not paid T.A., D.A. or any other remuneration. However, the Board supervises and controls all the activities of the High Court Legal Aid Committee and other Legal Aid Committees and collects, manages and utilises the Legal Aid Fund and finances. Thus, the Board exercises executive and financial powers. As such, the Committee feel that the non-official members, including a Member of Parliament if appointed as a member of the Rajasthan Legal Aid Board, *ought not to be exempt* from disqualification.

In this connection, the joint Committee on Offices of Profit have examined a similar body known as the Maharashtra Legal Aid and Advice Board ~~side~~ ⁱⁿ their Fifth Report (Seventh Lok Sabha) and had recommended as follows :—

"The Committee note that the executive Chairman of the Maharashtra State Legal Aid Board is entitled to receive an honorarium of Rs. 1000-1500 p.m. which is not covered by the 'compen-

satory allowance'. The other non-official members (including one Member of Parliament) are entitled to T.A. and D.A. which do not exceed the 'compensatory allowance'. The functions of the Board are, however, executive and financial in nature and its members are in a position to wield influence. As such, the Committee feel that the non-official members (including the executive Chairman) of the Board ought not to be exempt from disqualification".

NEW DELHI
 17 August, 1984;
Shravana 26, 1906 (S)

GULSHER AHMED,
 Chairman,
 Joint Committee on Offices of Profit.

APPENDIX

(*Vide* para 1.2 of the Report)

MINUTES OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

(SEVENTH LOK SABHA)

LV

FIFTY-FIFTH SITTING

The Committee met on Thursday, the 24th May, 1984 from 1500 to 1600 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

Lok Sabha

2. Shri Harish Kumar Gangwar
3. Shri Krishna Chandra Halder
4. Shri Virdhi Chander Jain
5. Shri Jamilur Rahman
6. Shri S.A. Dorai Sebastian
7. Shri N.K. Shejwalkar

Rajya Sabha

8. Shri Syed Rahmat Ali
9. Shri Ram Bhagat Paswan

SECRETARIAT

Shri N.N. Mehra—*Joint Secretary*

Shri S.D. Kaura—*Chief Legislative Committee Officer*

2. The Committee took up for consideration 12 memoranda (Nos. 222 to 233) relating to the following Boards/Committees/Commission, etc. constituted by the State Governments and the Union Territory Administration.

*Delhi Co-operative Development Board (Delhi
Administration) (Memorandum No. 222)*

3. The Committee noted that no remuneration was payable to the non-official members of the Delhi Co-operative Development Board. The functions of the Board were purely advisory in nature and its suggestions were not legally binding on the administration. As such, the Committee felt that the non-official members of the Board *ought to be exempt* from disqualification.

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*District Man Power Planning and Employment Generation
Council (Delhi Administration) (Memorandum No. 226)*

7. The Committee noted that the non-official members of the District Man Power Planning and Employment Generation Council were entitled to T.A. and D.A. which were covered by the 'compensatory allowance' and no other remuneration was admissible to them. The Council, however, exercised executive powers. As such, the Committee felt that the non-official members *ought not to be exempt* from disqualification.

*State Level Co-ordination Committee for Nationalised Banks
(Gujarat) (Memorandum No. 227)*

8. The Committee noted that the non-official members of the State Level Co-ordination Committee for Nationalised Banks (Gujarat) were paid T.A. at the rate of Rs. 10/- and D.A. at the rate of Rs. 50/- maximum which were covered by the 'compensatory allowance'. The functions of the Committee were also mainly advisory in nature. As such, the Committee felt that non-official members of the aforesaid Co-ordination Committee *ought to be exempt* from disqualification.

District Planning Board (Gujarat) (Memorandum No. 228)

9. The Committee noted that the non-official members of the District Planning Board, Gujarat were entitled to T.A./D.A. which was covered by

*Omitted portions of the Minutes are not covered by this Report.

the 'compensatory allowance'. The main functions of the Committee were to prepare perspective plan ensuring balanced development of the District and to undertake a regular and effective review and evaluation of all the district level schemes and programmes being implemented in the district and to take remedial measures for the successful implementation of each scheme. Thus, the Board exercised executive powers leading to wielding of influence. As such, the Committee were of the view that the membership of the Board *ought not to be exempt* from disqualification.

In that connection, the Committee also noted that the joint Committee on Offices of Profit (Fifth Lok Sabha) which had examined a similar District Planning Board, Jalgaon (Maharashtra) had recommended that members of of that Board ought to be exempt from disqualification *vide* paragraph 16 read with Appendix I, Item 7 of their Sixth Report (Fifth Lok Sabha). However, in the case of State Planning Board, Maharashtra, the present Joint Committee on Offices of Profit (Seventh Lok Sabha) had recommended that non-official members ought not to be exempt from disqualification *vide* paragraph 2.19 of their Eighth Report (Seventh Lok Sabha).

*The Karnataka Sheep and Sheep Products Development
Board (Bangalore) (Memorandum No. 229)*

10. The Committee noted that the non-official members of the Karnataka Sheep and Sheep Products Development Board were eligible for T.A./D.A. etc. The Chairman, who was a non-official member, in addition to T.A. and D.A., was entitled to draw monthly remuneration of Rs. 1,500/-, H.R.A. @ Rs. 500/- and the conveyance allowance @ Rs. 600/-. The payments to the Chairman on these accounts, thus, exceeded the 'compensatory allowance'. The Board, which carried on activities relating to marketing of sheep, sheep-skin, wool, meat, their by-products and sheep feed etc. and maintained sheep developments farms, exercised wide executive and financial powers and was thus, in a position to wield influence and patronage. As such, the Committee felt that the Chairman and other non-official members of the Karnataka Sheep and Sheep Products Development Board, Bangalore *ought not to be exempt* from disqualification.

*The Karnataka Milk Products Limited (Government of
Karnataka) (Memorandum No. 230)*

11. The Committee noted that the non-official Directors of the Karnataka Milk Products Limited were entitled to draw Rs. 20/- per meeting as out of pocket expenses which was covered by the 'compensatory allowance'. However, the Company which performed such functions as were necessary

for establishing a milk powder plant at Hubli-Dharwar, exercised executive and financial powers and was in a position to wield influence and patronage. As such, the non-official Directors *ought not to be exempt from disqualification.*

The Karnataka State Seed Certification Agency (Karnataka)
(Memorandum No. 231)

12. The Committee noted that the non-official Directors of the Karnataka State Seed Certification Agency were entitled to TA/DA which was covered by the 'compensatory allowance'. The main functions of the Agency were to prepare and sanction the budget estimates and to fix the terms and tenure of appointment, emoluments, and other conditions of service of the officers and other staff of the Agency. The Agency, thus exercised executive and financial powers and was in a position to wield influence and patronage. As such, the Committee felt that the non-official Directors of the Karnataka State Seed Certification Agency *ought not to be exempt from disqualification.*

Karnataka Dairy Development Corporation Limited (Government of Karnataka) (Memorandum No. 232)

13. The Committee noted that the non-official Directors of the Karnataka Dairy Development Corporation were entitled to draw D.A. upto Rs. 50/- per day or actuals subject to a ceiling of Rs. 100/- per day for halt outside the State and sitting fee at the rate of Rs. 50/- per meeting which was not covered by the 'compensatory allowance'. The functions of the Corporation were to execute the Karnataka Dairy Development Project with the aid of the world Bank. Thus, the functions exercised by the Corporation were executive and financial in nature. The Corporation was also in a position to wield influence and patronage. As such, the Committee felt that the non-official Directors of the Karnataka Dairy Development Corporation Ltd. *ought not to be exempt from disqualification.*

*Board of Regents, University of Agricultural Sciences,
Bangalore (Memorandum No. 233)*

14. The Committee noted that the non-official members of the Board of Regents, University of Agricultural Sciences, Bangalore were entitled to draw TA. and DA. upto Rs. 51/- and other allowances, the payments of which were covered by the 'compensatory allowance'. The functions of the Board were to approve the financial estimates of the University submitted by the Vice-



chancellor and to hold and control the property and funds of the university. As such, the Board exercised executive and financial powers and was in a position to wield influence and patronage. Hence, the Committee felt that the non-official members of the Board *ought not to be exempt* from disqualification.

*The Committee then adjourned to meet again on Friday,
the 25th May, 1984.*

LVI

FIFTY-SIXTH SITTING

The Committee met on Friday the 25th May, 1984 from 1100 to 1155 hours.

PRESENT

Shri Gulsher Ahmed — *Chairman*

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Harish Kumar Gangwar
4. Shri Krishna Chandra Halder
5. Shri Virdhi Chander Jain
6. Shri Jamilur Rahman
7. Shri S.A. Dorai Sebastian
8. Shri N. K. Shejwalkar

Rajya Sabha

9. Shri Syed Rahmat Ali
10. Shri Ram Bhagat Paswan

SECRETARIAT

Shri N. N. Mehra—*Joint Secretary*

Shri S.D. Kaura—*Chief Legislative Committee Officer*

2. The Committee took up for consideration 4 Memoranda (Nos. 234 to 237) relating to the following Committees/Boards etc. constituted by the State Governments.

Committee on Evaluation of Plan Schemes in Himachal Pradesh (Memorandum No. 224)

3. The Committee noted that the non-official members of the Committee on Evaluation of Plan Schemes in Himachal Pradesh were entitled to

D.A. which was covered by the 'compensatory allowance'. The functions of the Committee were also mainly advisory in nature. As such, the Committee felt that the non-official members of the Committee on Evaluation of Plan Schemes in Himachal Pradesh *ought to be exempt* from disqualification.

*District Advisory Committee and the District Industries
Centres (Tamil Nadu) (Memorandum No. 235)*

4. The Committee noted that the non-official members of the District Advisory Committee and the District Industries Centres, Tamil Nadu were paid TA/DA which was less than the 'compensatory allowance'.

The functions of the Committee were to advise the Government on the measures for the successful implementation of the District Industries Centres and as such, the functions of the Committee were of an advisory nature. The Committee were of the view that the non-official members of the District Advisory Committee and the District Industries Centres *ought to be exempt* from disqualification.

In that connection, the Committee also noted that they had examined a similar District Level Advisory Committee for District Industries Centre, Pondicherry Region and recommended that the non-official members thereof ought to be exempt from disqualification *vide* their Fourth Report (Seventh Lok Sabha), paragraph 2.32, p. 10.

*Karnataka Legal Aid Board (Karnataka)
(Memorandum No. 236)*

5. The Committee noted that the non-official members of the Karnataka Legal Aid Board were allowed a sitting fee and other allowances as determined by the Board (rates not yet prescribed).

The functions of the Board were mainly to utilise the funds at its disposal in such a way as to make legal aid readily available to the weaker sections of the society and to promote, guide and supervise the establishment and working of legal clinics, bureaux etc. Thus, the functions of the Board were executive and financial in nature and its members were in a position to wield influence. As such, the Committee felt that the non-official members of the Board *ought not to be exempt* from disqualification.

In that connection, the Committee also noted that in the case of Maharashtra State Legal Aid and Advice Board, they, in paragraph 2.11 of their Fifth Report (Seventh Lok Sabha), had recommended as follows :—

"The Committee note that the executive Chairman of the Maharashtra State Legal Aid and Advice Board is entitled to receive

an honorarium of Rs. 1000—1500 p.m. which is not covered by the 'compensatory allowance.' The other non-official members (including one Member of Parliament) are entitled to TA and DA which do not exceed the 'compensatory allowance'. The functions of the Board are, however, executive and financial in nature and its members are in a position to wield influence. As such, the Committee feel that the non-official members (including the executive Chairman) of the Board *ought not to be exempt* from disqualification."

*Board of Directors of Mysore Sales International Limited
(Karnataka) (Memorandum No. 237)*

6. The Committee noted that the non-official Director of the Board of Directors of the Mysore Sales International Limited was not entitled to any TA/DA or any other kind of remuneration. The Committee also noted that the Company in question was a marketing Organisation dealing with the various products manufactured by the various Government concerns and also private concerns. As such, the functions of the Board of Directors were executive and financial in nature. Hence, the Committee felt that the non-official member of the aforesaid Board *ought not to be exempt* from disqualification

7. Thereafter, the Committee discussed their future programme and decided to meet again on Thursday, the 7th June, 1984 at 1500 hours.

The Committee then adjourned.

LVII
FIFTY—SEVENTH SITTING

The Committee met on Thursday the 7th June, 1984 from 1500 to 1545 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Harish Kumar Gangwar
4. Shri Krishna Chandra Halder
5. Shri Virdhi Chander Jain
6. Shri Jamilur Rahman
7. Shri S.A. Dorai Sebastian
8. Shri N.K. Shejwalkar

Rajya Sabha

9. Shri Syed Rahmat Ali
10. Shri Ram Bhagat Paswan

SECRETARIAT

Shri N.N. Mehra—*Joint Secretary*

Shri S.D. Kaura—*Chief Legislative Committee Officer*

2. The Committee took up for consideration Memoranda Nos. 238 to 245 relating to the following Committees/Boards/Corporation etc. constituted by the State Governments and Union Territory Administration :—

State Committee on Employment, (Haryana)
(Memorandum No. 238)

3. The Committee noted that the payment admissible to the non-official members of the Haryana State Committee on Employment as T.A./D.A. was covered by the 'compensatory allowance'. Besides, the

functions of the Committee were to review the employment position and assess employment and unemployment trends and suggest measures for expanding employment opportunities. Thus, the functions of the Committee were advisory in nature. As such, the Committee felt that the non-official members of the State Committee on Employment, Haryana *ought to be exempt* from disqualification.

In that connection, the Committee also noted that the Joint Committee on Offices of Profit (Fifth Lok Sabha) had examined similar cases of District Committee on Employment, Chittoor (Andhra Pradesh) and the Regional Committee on Employment, Kurnool (Andhra Pradesh) and recommended that the membership of those bodies ought to be exempt from disqualification *vide* their Ninth Report (Fifth Lok Sabha), para 27, p. 7.

State Level Steering Committee on National Rural Employment Programme, Mizoram (Mizoram) (Memorandum No. 239)

4. The Committee noted that no remuneration was paid to the non-official members of the State Level Steering Committee on National Rural Employment Programme, Mizoram. The main functions of the Committee were advisory in nature. As such, the Committee felt that the membership of the non-official members of the State Level Steering Committee on National Rural Employment Programme, Mizoram *ought to be exempt* from disqualification.

The Committee also noted that the present Joint Committee on Offices of Profit (Seventh Lok Sabha) had examined a similar body, namely Steering Committee under National Rules Employment Programme, Pondicherry and recommended that the non-official members of that Committee ought to be exempt from disqualification *vide* their Fifth Report (Seventh Lok Sabha), paragraph 2.18, p. 12.

Board of Directors, Forest Development Corporation Maharashtra, Limited (Maharashtra) (Memorandum No. 240)

5. The Committee noted that the non-official Directors of the Forest Development Corporation Maharashtra Limited (Maharashtra) were paid Travelling Allowance, as per rules, which was covered by the 'compensatory allowance' and no other remuneration was admissible to them. Since, the Board exercised executive and financial powers, the Committee felt that the non-official Directors of the Board *ought not to be exempt* from disqualification.

*District Level Civil Supplies Advisory Committees for each district
and Sub-Divisional Level Civil Supplies Advisory Committees
for each Sub-Division in the State (Haryana)
(Memorandum No. 241)*

6. The Committee noted that no remuneration was paid to the non-official members of the District Level Civil Supplies Advisory Committee for each district and Sub-Divisional Level Civil Supplies Advisory Committee for each Sub-Division in the State (Haryana). The functions of the Committee were to review the arrangements made for distribution of essential commodities like kerosene, sugar etc. and to suggest ways and means to improve the distribution system. As such, the functions of the Committee were purely advisory in nature. Hence, the Committee felt that the non-official members of the Civil Supplies Advisory Committee for each District and each Sub-Division in the Haryana State, *ought to be exempt* from disqualification.

In that connection, the Committee noted that the Joint Committee on Offices of Profit (Fifth Lok Sabha) had examined a similar body namely, District Civil Supplies Advisory Committee, Gujarat and recommended that the membership of that body *ought to be exempt* from disqualification, *vide* their Tenth Report (Fifth Lok Sabha) para 33, p. 9, Item No. 31 of Appendix I, p. 11.

*The Haryana State Legal Service and Advice Board,
(Haryana) (Memorandum No. 242)*

7. The Committee noted that Members of Parliament/State Legislature who were members of the Haryana State Legal Service and Advice Board were paid T.A. and D.A. as admissible to them in their capacity as Member of Parliament/Member of Legislative Assembly, the payment of which was covered by the 'compensatory allowance'. The other non-official members of the Board were not entitled to any remuneration. The functions of the Board included, *inter-alia*, arrangements to make payment of honorarium to legal practitioners on the panel for legal service and to provide for other costs, charges and expenses of legal aid from funds placed at the disposal of the Board. As such, the functions of the Board were executive and financial in nature and its members were in a position to wield influence. Hence, the Committee felt that the non-official members of the Board *ought not to be exempt* from disqualification.

In that connection, the Committee also noted that the Joint Committee on Offices of Profit (Seventh Lok Sabha) had examined a similar body,

namely, Maharashtra State Legal Aid and Advice Board, and recommended that the non-official members (including the executive Chairman) of that Board *ought not to be exempt* from disqualification *vide* their Fifth Report (Seventh Lok Sabha), paragraph 2.11, p. 7.

Committee on Child Labour (Tamil Nadu)
(Memorandum No. 243)

8. The Committee noted that the non-official members of the Committee on Child Labour (Tamil Nadu) were entitled to T.A. only which was covered by the 'compensatory allowance'. The functions of the Committee were to ensure the implementation of welfare measures to the children employed in the Match Factories, and Fire Work Industries etc. and as such the functions were mainly advisory in nature. Hence, the Committee felt that the non-official members of the Child Labour Committee *ought to be exempt* from disqualification.

*State Level Advisory Committee for Rehabilitation of
Repatriates (Tamil Nadu) (Memorandum No. 244)*

9. The Committee noted that the non-official members of the Tamil Nadu State Level Advisory Committee for Rehabilitation of Repatriates were only eligible for TA/DA, payment of which was covered by the 'compensatory allowance'. The main functions of the Committee were to review the implementation of the schemes for rehabilitation of Repatriates from Shri Lanka and as such, the functions were mainly of an advisory nature. Hence, the Committee felt that the non-official members of the Advisory Committee *ought to be exempt* from disqualification.

*Committee on Management of the Chengalrayan Co-operative
Sugar Mills Ltd., Periasavalai, South Arcot District
(Tamil Nadu) (Memorandum No. 245)*

10. The Committee noted that the non-official members of the Committee on Management of the Chengalrayan Co-operative Sugar Mills Ltd., Periasavalai, South Arcot District (Tamil Nadu) were entitled to T.A. only. However, a sitting fee for attending the meetings of the Committee was also admissible to the non-official members which did not come within the ambit of the 'compensatory allowance'. The Committee also exercised executive powers as the entire administration of the Mill was vested with the said Committee.

The Committee also noted that the members of the above Management Committee were nominated by the Registrar of the Co-operative Societies by

virtue of his powers specifically conferred on him under the By-laws of the Co-operative Sugar Mills Ltd. and not as the representative of the Government. The Registrar could not, therefore, be considered as an organ of the State Government. Moreover, in that case, Government, as such, could not exercise any direct control over the functioning of the Management Committee.

In the circumstances, the Committee felt that members of the Management Committee under examination were not holding any office under the State Government of Tamil Nadu within the meaning of Article 191 (1) of the Constitution.

In that connection, the Committee decided that bodies constituted under the Cooperative Societies Act should continue to be examined by them.

11. Thereafter, the Committee discussed their future programme and decided to meet again on Thursday, the 21st June, 1984 at 15.00 hours.

The Committee then adjourned.

LVIII

FIFTY-EIGHTH SITTING

The Committee met on Thursday, the 21st June, 1984 from 1500 to 1545 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Virdhi Chander Jain
4. Shri Jamilur Rahman
5. Shri Nandi Yellaiah

Rajya Sabha

6. Shri Syed Rahmat Ali
7. Shri Ram Bhagat Paswan

SECRETARIAT

Shri N.N. Mehra—*Joint Secretary*

Shri S.D. Kaura—*Chief Legislative Committee Officer*

Shri S.S. Chawla—*Senior Legislative Committee Officer*

2. The Committee took up for consideration Memoranda Nos. 246 to 254 relating to the following Committees/Boards/Corporation, etc. constituted by the Central Government/State Governments :—

State Advisory Committee for Screening the Applications for the grant of Swatantrata Sainik Samman Pension of the Government of India (Tamil Nadu)
(Memorandum No. 246)

3. The Committee noted that the non-official members of the State Advisory Committee for Screening the applications for the grant of Swatantrata Sainik Samman Pension of the Government of India

(Tamil Nadu) were entitled to T.A. and D.A. and that no other remuneration was admissible to them. The amount, thus, drawn by them was covered by the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

The Committee, however, noted that the State Advisory Committee was constituted with a view to investigate and forward to the Government of India applications of Freedom Fighters for the grant of Freedom Fighters' pension from the Central Revenues. In scrutinizing the applications and holding interview of applicants for Freedom Fighters' Pension, the said Advisory Committee exercised executive powers. As such, the Committee felt that the non-official members of the State Advisory Committee *ought not to be exempt* from disqualification.

The Central Advisory Contract Labour Board (Ministry of Labour) (Memorandum No. 247)

4. The Committee noted that the non-official members of the Central Advisory Contract Labour Board were entitled only to T.A. and D.A. which were covered by the 'compensatory allowance'. The functions of the Board were also of advisory nature. As such, the Committee felt that the non-official members of the Central Advisory Contract Labour Board *ought to be exempt* from disqualification.

Karnataka State Board on Civilian Rifle Training (Karnataka) (Memorandum No. 248)

5. The Committee found that the non-official members of the Karnataka State Board on Civilian Rifle Training (Karnataka) were paid T.A. and D.A. which were covered by the 'compensatory allowance'. The functions of the Board were also mainly advisory in nature. As such, the Committee felt that the non-official members of the Karnataka State Board on Civilian Rifle Training (Karnataka) *ought to be exempt* from disqualification.

Board of Directors of Karnataka State Financial Corporation (Karnataka) (Memorandum No. 249)

6. The Committee noted that the non-official Directors of the Karnataka State Financial Corporation were paid T.A. as per rules determined by the Board. They were also entitled to a sitting fee of Rs. 75/- which did not come within the ambit of 'compensatory allowance'.

The Committee further noted that the Board also exercised executive and financial powers in providing long term financial assistance to small or medium scale industries and to give preference to the development of industrially backward regions, technical entrepreneurs and other economically weaker sections. The general superintendence and management of the affairs and business of the Corporation were vested in the Board of Directors. As such, the Committee felt that the non-official Directors of the Board *ought not to be exempt* from disqualification.

In that connection, the Committee also noted that the Joint Committee on Offices of Profit (Fifth Lok Sabha) had examined a similar Board of Directors of the Gujarat State Financial Corporation and recommended that directorship (including chairmanship) of the Corporation ought not to be exempt from disqualification *vide* their Eighth Report (Fifth Lok Sabha), para 9, p. 2.

***Beas Sutlej Link Project Oustees Rehabilitation Committee
Himachal Pradesh (Memorandum No. 250)***

7. The Committee noted that the non-official members of the Beas Sutlej Link Project Oustees Rehabilitation Committee were entitled only to T.A. and D.A. which were covered by the 'compensatory allowance'. The functions of the Committee were purely advisory in nature. As such, the Committee felt that the non-official members of the Beas Sutlej Link Project Oustees Rehabilitation Committee, Himachal Pradesh *ought to be exempt* from disqualification.

***The Family Welfare Board, Himachal Pradesh
(Memorandum No. 251)***

8. The Committee felt that the non-official members of the Family Welfare Board, Himachal Pradesh were entitled to draw T.A. and D.A. which were covered by the 'compensatory allowance'. The functions of the Board were mainly advisory in nature. As such, the Committee felt that the non-official members of the Board *ought to be exempt* from disqualification.

In that connection, the Committee also noted that the Joint Committee on Offices of profit (Fourth Lok Sabha) had examined a similar State Family Planning Board, Tamil Nadu and recommended that the non-official members thereof ought to be exempt from disqualification *vide* their Ninth Report (Fifth Lok Sabha), para 27 read with Appendix I (Item 52).

Board of Pre-University Education (Karnataka)
(Memorandum No. 252)

9. The Committee held over consideration of Memorandum No. 252 regarding the Board of Pre-University Education (Karnataka) and desired that the detailed functions of the Board might be ascertained from the State Government of Karnataka in the first instance.

Karnataka Secondary Education Examination Board
(Karnataka) (Memorandum No. 253)

10. The Committee noted that the non-official members of the Karnataka Secondary Education Examination Board (Karnataka) were eligible to T.A. and D.A. which were covered by the 'compensatory allowance.' A sitting fee of Rs. 15/- was also payable to them which did not come within the ambit of the 'compensatory allowance.'

The Board also exercised wide powers which were of executive and financial nature. As such, the Committee felt that the non-official members of the Board ought not to be exempt from disqualification.

Command Area Development Authority Board of Nagarjunasagar
Right Canal Command Area (Andhra Pradesh)
(Memorandum No. 254)

11. The Committee noted that the non-official members of the Command Area Development Authority Board were paid T.A. and D.A. as per rules which were covered by the 'compensatory allowance'. The functions of the Board were mainly advisory in nature. As such, the Committee felt that the non-official members of the Board ought not to be exempt from disqualification.

12. The Committee then discussed their future programme and decided to meet again on Friday, the 13th July, 1984.

The Committee then adjourned,

LIX

FIFTY-NINTH SITTING

The Committee met on Friday, the 13th July, 1984 from 1500 to 1600 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Harish Kumar Gangwar
4. Shri Krishna Chandra Halder
5. Shri Virdhi Chander Jain
6. Shri S.A. Dorai Sebastian
7. Shri N.K. Shejwalkar
8. Shri Nandi Yellaiah

Rajya Sabha

9. Shri Ram Bhagat Paswan

SECRETARIAT

Shri S.S. Chawla—*Senior Legislative Committee Officer*

2. The Committee took up for consideration Memoranda Nos. 255 to 262 relating to the following Boards/Corporations/Committees etc. constituted by the State Governments and Union Territory Administration :—

*Command Area Development Authority Board of Nagarjunasagar
Left Canal Command Area (Andhra Pradesh)
(Memorandum No. 255)*

3. The Committee noted that the non-official members of the Command Area Development Authority Board of Nagarjunasagar Left Canal Command Area (Andhra Pradesh) were paid T.A. and D.A. as per rules which

were covered by the 'compensatory allowance' as defined in section 2 (a) of the Parliament (Prevention of Disqualification Act, 1959) The functions of the Board were to approve programmes, review the implementation of work, and to give suggestions pertaining to command area development work, subject to general policy directions issued by the government from time to time, which were mainly advisory in nature. As such, the Committee felt that the non-Official members of the said Board *ought to be exempt* from disqualification.

*Command Area Development Authority Board of Sriramsagar
Command Area (Andhra Pradesh) (Memorandum No. 256)*

4. The Committee noted that the non-official members of the Command Area Development Authority Board of Sriramsagar Command Area (Andhra Pradesh) were paid T.A. and D.A. as per rules which were covered by the 'compensatory allowance'.

The functions of the Board were mainly advisory in nature. As such, the Committee felt that the non-official members of the Board *ought to be exempt* from disqualification.

*Command Area Development Authority Board of Tungabhadra
Project Command Area (Andhra Pradesh)
(Memorandum No. 257)*

5. The Committee noted that the non-official members of the Command Area Development Authority Board of Tungabhadra Project Command Area (Andhra Pradesh) were paid T.A. and D.A. as per rules which were covered by the 'compensatory allowance'.

The functions of the Board were mainly advisory in nature. As such, the Committee felt that the non-official members of the Board *ought to be exempt* from disqualification.

*State Transport Authority (Pondicherry)
(Memorandum No. 258)*

6. The Committee noted that the non-official members of the State Transport Authority (Pondicherry) were entitled to draw T.A. and D.A. as per rules which were covered by the 'compensatory allowance'. Besides, they were also paid a sitting fee of Rs. 80/- per day which was not covered by the 'compensatory allowance'. The Authority also exercised executive and quasi-judicial powers and was in a position to wield influence. As such, the Committee felt that the non-official members of the Authority *ought not to be exempt* from disqualification.

In that connection, the Committee also noted that the Joint Committee on officers of Profit had earlier various States/Union Territory Administrations that all the State Transport Authorities had been constituted under the same Act, viz. the Motor Vehicles Act, 1939, and had the same functions and powers. They possessed *inter alia* the power to issue permits, and were in a position to wield influence, and could also exercise quasi-judicial powers. As such, the Committee felt that not only the Chairmanship and Secretaryship but even ordinary membership of all the Authorities *ought not to be exempt* from disqualification. [13R (JCOP—5LS), para 35, p. 11 and 10R (JCOP—7LS), paras 4.7 & 4.8, p. 9].

Board of Directors, Karnataka Wakf Development Corporation Limited (Karnataka) (Memorandum No. 259)

7. The Committee noted that the non-official Directors of the Karnataka Wakf Development Corporation were not entitled to any T.A., D.A. or sitting fee. The Board, however, exercised executive and financial powers as the Corporation was engaged in developing the wakf properties in Karnataka State by constructing shopping complexes, office accommodation, residential apartments and taking up management of Wakf institutions which were not managed properly.

As such, the Committee felt that the non-official directors including the Chairman of the Corporation *ought not to be exempt* from disqualification.

State Board of Teacher Education (Maharashtra) (Memorandum No. 260)

8. The Committee noted that the payment made to the non-official members of the State Board of Teacher Education (Maharashtra) as T.A. and D.A. was covered by the 'compensatory allowance'. The Board, however, exercised executive power and thereby could wield influence or power by way of patronage as the Board prepared periodical plans and detailed programmes for the development of teacher's education and exercised and supervised training institutions. As such, the Committee felt that the non-official members of the Board *ought not to be exempt* from disqualification.

State Level Pong Dam Oustees Rehabilitation Advisory Committee (Himachal Pradesh) (Memorandum No. 261)

9. The Committee noted that the non-official members of the State Level Pong Dam Oustees Rehabilitation Advisory Committee (Himachal Pradesh) were entitled to draw T.A. and D.A. as per rules which were covered

by the 'compensatory allowance'. The functions of the Committee were purely advisory in nature as the Committee only advised the government in solving the problems relating to the rehabilitation of Pong Dam Oustees. As such the Committee felt that the non-official members of Pong Dam Oustees Rehabilitation Advisory Committee, Himachal Pradesh *ought to be exempt* from disqualification.

*State Level Integration Committee for Promotion of National
Integration (Himachal Pradesh) (Memorandum No. 262)*

10. The Committee felt that the non-official members of the State Level Integration Committee for promotion of National integration (Himachal Pradesh) were entitled to draw T.A. and D.A. as per rules which were covered by the 'compensatory allowance'. The main function of the Committee was to formulate the policies and programmes of national integration which was purely advisory in nature. As such, the Committee felt that the non-official members of the State Level Integration Committee for promotion of National Integration *ought to be exempt* from disqualification.

11. The Committee directed that all these cases which had since been finalised by them but not reported so far, should be reported to the House during the ensuing session. Thereafter, the Committee discussed their future programme of sitting and decided to meet again on Wednesday, the 8th August, 1984 at 1500 hours.

The Committee then adjourned.

LX

SIXTIETH SITTING

The Committee met on Wednesday, the 8th August, 1984 from 1500 to 1600 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

Lok Sabha

2. Shri Virdhi Chander Jain
3. Shri Rashid Masood
4. Shri S.A. Dorai Sebastian
5. Shri N.K. Shejwalkar

SECRETARIAT

Shri N.N. Mehra—*Joint Secretary*

Shri S.D. Kaura—*Chief Legislative Committee officer*

Shri S.S. Chawla—*Senior Legislative Committee Officer*

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5. The Committee, thereafter, took up for consideration two Memoranda Nos. 263 and 264 relating to the nomination of Members of Parliament on the following Corporation/Board constituted by the Rajasthan Government :—

Rajasthan Water Resources Development Corporation Limited
(Rajasthan)—*proposed nomination of Shri Rajesh Pilot*
M.P., as a member thereof (Memorandum No. 263)

6. A reference was received from the Government of Rajasthan regarding the proposed nomination of Shri Rajesh Pilot, M.P. as a non-official member of the Rajasthan Water Resources Development Corporation Limited. The Committee noted that the non-official members of the said Corporation were entitled to draw T.A. only as per rules of the Corporation. The payment

*Omitted portions of the Minutes are not covered by this Report.

thus, received, was covered by the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Corporation were, however, executive and financial in nature as the said Corporation prepared schemes and awarded contracts for construction of tubewells, lift irrigations etc. for utilisation of water and made arrangements to provide loans to farmers. The Corporation also recruited officers and staff. As such, the Committee felt that the non-official members of the said Corporation, including a Member of Parliament if appointed, *ought not to be exempt* from disqualification.

*Rajasthan Legal Aid Board, Rajasthan—proposed nomination
of a Member of Parliament as a member thereof
(Memorandum No. 264)*

7. A reference was received from the Government of Rajasthan regarding the proposed nomination of a Member of Parliament as a non-official member of the Rajasthan Legal Aid Board. The Committee noted that the non-official members of the Rajasthan Legal Aid Board were not paid T.A., D.A. or any other remuneration. However, the Board supervised and controlled all the activities of the High Court Legal Aid Committee and other Legal Aid Committees and collected, managed and utilised the Legal Aid Fund and finances. Thus, the Board exercised executive and financial powers. As such, the Committee felt that the non-official members, including a Member of Parliament if appointed as a member of the Rajasthan Legal Aid Board, *ought not to be exempt* from disqualification.

In that connection, the Committee noted that they had already examined a similar body known as the Maharashtra Legal Aid Advice Board and had recommended in respect thereof as follows :—

“The Committee note that the executive Chairman of the Maharashtra State Legal Aid Board is entitled to receive an honorarium of Rs. 1000-1500 p.m. which is not covered by the 'compensatory allowance'. The other non-official members (including one Member of Parliament) are entitled to T.A. and D.A. which do not exceed the 'compensatory allowance'. The functions of the Board are, however, executive and financial in nature and its members are in a position to wield influence. As such, the Committee feel that the non-official members (including the executive Chairman) of the Board ought not to be exempt from disqualification.”

[Fifth Report (JCOP-Seventh-Lok Sabha), para 2.11]

8. The Committee, thereafter, considered their future programme of work and decided to hold their next sitting on 17th August, 1984.

The Committee taen adjourned

The Committee met on Friday, the 17th August, 1984 from 1600 to 1630 hours.

PRESENT

Shri N. K. Shejwalkar—*in the chair*

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Harish Kumar Gangwar
4. Shri Krishna Chandra Halder
5. Shri Virdhi Chandra Jain

SECRETARIAT

Shri N. N. Mehra—*Joint Secretary*

Shri S. D. Kaura—*Chief Legislative Committee Officer*

Shri S. S. Chawla—*Senior Legislative Committee Officer*

2. In the absence of the Chairman, Shri N. K. Shejwalkar was chosen by the Committee to act as Chairman for the sitting in terms of the provisions of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee took up for consideration their draft Twelfth Report and adopted it.

4. The Committee decided that the Twelfth Report might be presented to Lok Sabha on the 23rd August, 1984. The Committee also decided that the Report might be laid on the Table of Rajya Sabha on the same day.

5. The Committee authorised the Chairman and, in his absence, Shri N. K. Shejwalkar, M. P. to present the report to Lok Sabha on their behalf.

6. The Committee also authorised Shri Syed Rahmat Ali, M. P. and, in his absence, Shri Ram Bhagat Paswan, M. P. to lay the Report on the Table of Rajya Sabha.

7. The Committee then considered their future programme of work and decided to hold their next sittings on 11th and 28th September, 1984 at 15.30 hours subject to the convenience of the Chairman, Joint Committee on Offices of Profit.

The Committee then adjourned.