

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

SIXTEENTH REPORT
(Presented on the 12th January, 1976)



**LOK SABHA SECRETARIAT
NEW DELHI**

January, 1976/Pausa, 1897 (Saka)

Price 1 Rs. 0.55 P.

CORRIGENDA TO THE SIXTEENTH REPORT
OF THE JOINT COMMITTEE ON OFFICES
OF PROFIT
(FIFTH LOK SABHA)
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Page 2, para 10, line 4, for 'possesses'
read 'possess'

Page 3, para 13, line 4, for 'possesses'
read 'possess'

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PERSONNEL OF THE JOINT COMMITTEE ON OFFICES OF
PROFIT

(FIFTH LOK SABHA)

Lok Sabha

1. Shri S. B. P. Pattabhi Rama Rao—*Chairman*
2. Shri Chandrika Prasad
3. Shri Somnath Chatterjee
4. Shri Jagannathrao Joshi
5. Shri Z. M. Kahandole
- %6. Shri S. M. Siddayya
7. Shri Ramji Ram
8. Shri Arjun Sethi
9. Shri Ramavatar Shastri
- *10. Shri Ram Shekhar Prasad Singh

Rajya Sabha

- **11. Shri Vithal Gadgil
- £12. Shri N. M. Kamble
- £13. Shri A. K. Refaye
14. Shri Venigalla Satyanarayana
- **15. Shri Yogendra Sharma

SECRETARIAT

Shri P. K. Patnaik—*Additional Secretary.*

Shri Y. Sahai—*Chief Legislative Committee Officer.*

*Elected by Lok Sabha on the 6th December, 1973 vice Shri Dharnidhar Basumatari resigned from the Committee.

**Elected by Rajya Sabha on the 22nd May, 1972 vice Dr. (Mrs.) Mangladevi Talwar and Shri M. V. Bhadram ceased to be members of the Joint Committee on their retirement from that House.

£Elected by Rajya Sabha on the 8th May, 1974 vice Sarvashri S. A. Khaja Mohideen and Sanda Narayanappa ceased to be members of the Joint Committee on their retirement from that House.

%Elected by Lok Sabha on the 7th March, 1975, vice Shri Pratap Singh died.

REPORT OF THE JOINT COMMITTEE

I

INTRODUCTION

1. 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 Sixteenth Report of the Committee.

2. The Committee held three sittings—on the 10th November, 16th December, 1975 and 8th January, 1976. Minutes of these sittings form part of the Report and are at Appendix.

3. The Committee considered the composition, character, functions, etc. of 89 Committees/Boards/Corporations, etc. constituted by the Central and State Governments and Union Territory Administrations and the emoluments and allowances payable to their members.

4. Detailed information regarding the composition, character, functions, etc. of the Committees/Boards/Corporations, etc. and emoluments and allowances payable to their members was furnished by the respective Ministries/Departments of the Central Government and the State Governments and the Union Territory Administrations on a request made by the Lok Sabha Secretariat.

5. The Committee considered and adopted the Report on the 8th January, 1976.

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

II

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

Board of Directors of the National Film Development Corporation (P) Ltd.—(Ministry of Information and Broadcasting)

7. The Committee note that the non-official Directors of the National Film Development Corporation (P) Ltd. are entitled to a sitting fee of of Rs. 150/- per meeting of the Board of directors alongwith boarding and lodging expenses, which is more than the 'compensatory allowance'. Besides, the Board of Directors exercises executive and financial powers. As such, the Committee feel that the Directorship of the Corporation ought not to be exempt from disqualification.

**Board of Directors of Hindustan Petroleum Corporation Limited—
(Ministry of Petroleum & Chemicals)**

8. The Committee note that the non-official Directors of the Hindustan Petroleum Corporation Limited are entitled to travelling allowance and living and hotel expenses for attending the meetings of the Board of Directors. In addition, they may be paid a fee for attending the meetings of the Board which would not exceed Rs. 250. This would exceed the 'compensatory allowance'. Besides, the Board of Directors exercises executive and financial powers. As such, the Committee feel that the non-official Directors of the Corporation ought not to be exempt from disqualification.

State Transport Authority, Himachal Pradesh

9. The Committee note that the payment admissible to the non-official members of the State Transport Authority, Himachal Pradesh is less than the 'compensatory allowance'. However, the Authority possesses power to issue permits, and is in a position to wield influence. It can also exercise quasi-judicial powers. As such, the Committee feel that the membership of the Authority ought not to be exempt from disqualification.

Regional Transport Authorities, Simla and Dharamsala (Himachal Pradesh)

10. The Committee note that the payment admissible to the non-official members of the Regional Transport Authorities, Simla and Dharamsala is less than the 'compensatory allowance'. However, the Regional Authorities possesses 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 the membership of the Regional Authorities ought not to be exempt from disqualification.

Board of Directors of the Andhra Pradesh State Trading Corporation Ltd.

11. The Committee note that the non-official Directors of the Andhra Pradesh State Trading Corporation Ltd. are entitled to a sitting fee of Rs. 50 per meeting of the Board of Directors. They are also entitled to a DA (or Hotel expenses) of Rs. 40 per day. It is not clear from the material furnished by the State Government whether both sitting fee and daily allowance are payable to the Directors for the same days. If they are, the total amount

payable to the non-official Directors would exceed the 'compensatory allowance'. If both sitting fee and DA are not payable for the same days, the amount admissible to the non-official Directors would be marginally less than the 'compensatory allowance'. However, as the Board of directors exercises executive and financial powers, the Committee feel that the Directorship of the Corporation (including Chairmanship) ought not to be exempt from disqualification.

Karnataka State Transport Authority

12. The Committee note that the payment admissible to the non-official members of the Karnataka State Transport Authority is less than the 'compensatory allowance'. However, the Authority possesses power to issue permits, and is in a position to wield influence. It can also exercise quasi-judicial powers. As such, the Committee feel that the membership of the Authority ought not to be exempt from disqualification.

Regional Transport Authority for each District (Karnataka)

13. The Committee note that the payment admissible to the non-official members of the Regional Transport Authority for each District (Karnataka) is less than the 'compensatory allowance'. However, the Authorities possesses 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 the membership of the Authorities ought not to be exempt from disqualification.

The Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Board (Maharashtra)

14. The Committee note that the payment admissible to the non-official members of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Board (Maharashtra) is less than the 'compensatory allowance'. But the Board exercises executive and financial powers. It also hears appeals from the orders passed by the Managing Committee of the Gurudwara, and its orders on such appeals are final.

However, under Section 39(1)(h) of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956, the expenditure on the T.A./D.A., etc. payable to the members of the Board is to be met from the Fund of the Gurudwara. Section 45 of the Act lays down that the Government shall not be liable for any

expenditure incurred in connection with the administration of the Act. Also, the functions and powers of the Gurudwara Board are comparable to the functions and powers of a Wakf Board, constituted under Section 11 of the Wakf Act, 1954, section 24 of which declares that the offices of Chairman and Members of a State (Wakf) Board shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, Members of Parliament. Further, under section 6(1) of the Act, 2 members of the Board shall be elected by and be from among the Sikh members of Parliament. In view of the foregoing, the Committee feel that the non-official members of the Gurudwara Board ought to be exempt from disqualification for membership of Parliament

The Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Committee (Maharashtra)

15. The Committee note that the payment admissible to the non-official members of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Committee (Maharashtra) is less than the 'compensatory allowance'. But the Committee exercises executive and financial powers. However, under section 22(1) of the Act, only one member of the Committee is to be appointed by the Government. He is to be either the Collector of Nanded or any other officer. Thus, none of the non-official members of the Committee is an appointee of Government. As appointment by Government has been held by courts to be an essential condition for an office to be an 'office' under Government, the Committee feel that the non-official members of the Committee in question do not hold an office under the Government within the meaning of Article 102(1) of the Constitution. As such, no further action in the matter is necessary.

Marathwada Wakfs Board (Maharashtra)

16. The Committee note that the payment admissible to the members of the Marathwada Wakfs Board (Maharashtra) (other than the Chairman) is less than the 'compensatory allowance'. But an honorarium of Rs. 300/- per month is paid to the Chairman of the Board. This amount does not come within the ambit of 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Also, the Board carries executive and financial powers. However, in view of the provision of Section 24 of the Wakf Act, 1954, which declares that the offices of Chairman and members of a State Board shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for

being chosen as, or for being, Members of Parliament, the Committee feel that the membership of the Board (including Chairmanship) ought to remain exempt from disqualification for membership of Parliament.

Godavari (Jayakwadi) Development Board (Maharashtra)

17. The Committee note that the payment admissible to the non-official members of the Godavari (Jayakwadi) Development Board is less than the 'compensatory allowance'. However, the Board exercises general supervision and control and takes decisions on policies and administrative matters pertaining to the Jayakwadi Project and all the development schemes in respect of its command area. Also, the Government can delegate to the Board additional powers. As such, the Committee feel that the Membership of the Board ought not to be exempt from disqualification.

Tamil Nadu Water Supply and Drainage Board.

18. The Committee note that the non-official Chairman of the Tamil Nadu Water Supply and Drainage Board is entitled to receive an honorarium of Rs. 500/- per mensem. This amount does not come within the ambit of 'compensatory allowance'. In addition, he is entitled to get TA/DA. The other non-official Director is entitled to get TA/DA which is less than the 'compensatory allowance'. But the Board exercises executive and financial powers. As such, the Committee feel that the Directorship of the Board ought not to be exempt from disqualification.

Board of Directors of the State Industries Promotion Corporation of Tamil Nadu Ltd.

19. The Committee note that the non-official Directors of the State Industries Promotion Corporation of Tamil Nadu Ltd are paid Rs. 25/- as sitting fee which is less than the 'compensatory allowance'. But the functions of the Board are mainly of executive and financial nature. As such, the Committee feel that the Directorship of the Corporation ought not to be exempt from disqualification.

Board of Directors of the Punjab Financial Corporation, Chandigarh.

20. The Committee note that the payment admissible to the Directors of the Punjab Financial Corporation exceeds the 'compensatory allowance'. Also, the functions of the Board are financial in nature, and it is in a position to wield influence. As such, the Committee feel that the Directorship of the Corporation in so far as

it is an office of profit under the Government ought not to be exempt from disqualification.

Goa, Daman and Diu Industrial Development Corporation, Panaji

21. The Committee note that the non-official members of the Goa, Daman and Diu Industrial Development Corporation, Panaji are entitled to draw Rs. 25/- per meeting for attending its meeting, which is less than the 'compensatory allowance'. However, the Corporation exercises executive and financial powers. As such, the Committee feel that the membership of the Corporation ought not to be exempt from disqualification.

Goa, Daman and Diu Housing Board

22. The Committee note that the Chairman of the Goa, Daman and Diu Housing Board is entitled to a salary of Rs. 1000/- p.m. or an honorarium not exceeding Rs. 500/- p.m. Other non-official members of the Board are entitled to an allowance of Rs. 15/- for attending the meetings of the Board. Thus, while the payment admissible to the Chairman of the Board does not come within the ambit of 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959, the payment admissible to other non-official members is less than the 'compensatory allowance'. However, as the Board exercises executive and financial powers, the Committee feel that the membership of the Board ought not to be exempt from disqualification.

23. In regard to the following bodies, the Committee note that the non-official members thereof are either not entitled to any remuneration or are entitled to TA and DA which is less than the 'compensatory allowance'. Besides, the functions of these bodies are mainly advisory in nature or their character, composition, etc. are such that their membership ought to be exempt from disqualification. The Committee, accordingly, recommend exemption of membership of these bodies from disqualification for membership of Parliament:

- (1) Sports Advisory Committee attached to Directorate General, All India Radio (Ministry of Information and Broadcasting).
- (2) Development Council for Drugs and Pharmaceuticals (Ministry of Petroleum and Chemicals).
- (3) Advisory Council for Delhi Transport Corporation (Ministry of Shipping and Transport).

- (4) Tribes Advisory Council (Orissa).
- (5) Harijan Welfare Advisory Board (Orissa).
- (6) State Level Evaluation Committee (Orissa).
- (7) Standing Committee on lease of waste lands to Scheduled Castes and Scheduled Tribes (Orissa).
- (8) Standing Committee on Employment of Scheduled Castes and Scheduled Tribes (Orissa).
- (9) District Welfare Committees (Orissa).
- (10) District Development Committee (Himachal Pradesh).
- (11) Advisory Committee on Minorities (Himachal Pradesh).
- (12) State Fertilizer Advisory Committee (Himachal Pradesh).
- (13) Press Accreditation Committee (Himachal Pradesh).
- (14) (a) Visitors' Committees to Borstal School.
(b) Visitors' Committees to Certified Schools (Andhra Pradesh).
- (15) Visitors' Committee to the Jails (Andhra Pradesh).
- (16) District Committees on Training and Employment (U.P.).
- (17) Karnataka State Transport Advisory Committee.
- (18) State Minimum Wages Advisory Board, Punjab.
- (19) Punjab State Soldiers', Sailors' and Airmen's Board.
- (20) District Soldiers', Sailors' and Airmen's Boards (Punjab).
- (21) Punjab Wakf Board.
- (22) Hindi Vikas Board (Punjab).
- (23) Sub-Committees for Groups of Ports:
 - (a) sub-committee for Bandra Group of Ports.
 - (b) sub-committee for Mora and Rajpuri Group of Ports.
 - (c) sub-committee for Ratnagiri group of Ports.
 - (d) sub-committee for Vijaydurg group of Ports.
 - (e) sub-committees for Vengurla group of Ports.—
(Maharashtra).

- (24) Committee to examine applications for notification of spirituous medicinal preparations under entry 69 in Schedule C to the Bombay Sales Tax Act, 1959 (Maharashtra).
- (25) Action Committee to advise Agricultural Finance Corporation (Tamil Nadu).
- (26) Agricultural Machinery Advisory Committee (Tamil Nadu).
- (27) District Level Committee on Assessment and Evaluation of the Intensive Agricultural District Programme in Thanjavur (Tamil Nadu).
- (28) District Level Committee to review progress of Implementation of Minor Irrigation Schemes assisted by Agricultural Refinance Corporation Bombay (Tamil Nadu).
- (29) Tamil Nadu Bhoodan Yagna Board.
- (30) Advisory Committee for the Institute of Textile Technology, Madras. (Tamil Nadu)
- (31) Committee for the Administration of the Amalgamated Tamil Nadu Shares of the Post War Services Reconstruction Fund and the Special Fund for Reconstruction and Rehabilitation of Ex-servicemen.
- (32) Local Advisory Committee in the I.T.Is. Centres (Tamil Nadu).
- (33) State Apprenticeship Council, Madras (Tamil Nadu).
- (34) State Trade Committee (Tamil Nadu).
- (35) Implementation Committee for training in Building Trades (Tamil Nadu).
- (36) Tamil Nadu State Soldiers', Sailors' and Airmens' Board.
- (37) Hospital Advisory Committee (Tamil Nadu).
- (38) Gujarat District Gazetteers (Revision) Editorial Committee.
- (39) Advisory Committee for scrutinizing and making suggestions to the manuscripts received for financial assistance—promotion of—regional languages schemes, Gujarat.
- (40) Gujarat State Haj Committee.

- (41) State Council of Technical Education (Gujarat).
- (42) State Committee on Employment (Gujarat).
- (43) State Council for Training in Vocational Trades (Gujarat).
- (44) State Apprenticeship Council (Gujarat).
- (45) Local Committees attached to Industrial Training Institutes (Gujarat).
- (46) Gujarat State Minimum Wages Advisory Board.
- (47) Gujarat Labour Welfare Board.
- (48) State Board of Primary Education (Gujarat).
- (49) The Gujarat Board of Ayurvedic and Unani System of Medicine.
- (50) State Advisory Board for Harijan Welfare (Gujarat).
- (51) Gujarat State Youth Board.
- (52) State Sports Council (Gujarat).
- (53) District Prohibition Committees (Gujarat).
- (54) State Labour Advisory Board (Gujarat).
- (55) Gujarat State Social Welfare Advisory Board.
- (56) State Advisory Council of Education (Gujarat).
- (57) Managing Committee for Management and Administration of Special Fund for reconstruction and rehabilitation of ex-servicemen (Goa, Daman and Diu).
- (58) State Evaluation and Implementation Committee (Goa, Daman and Diu).
- (59) State Labour Advisory Committee (Goa, Daman and Diu).
- (60) State Tourism Development Committee (Goa, Daman and Diu).
- (61) State Advisory Committee on Employment (Goa, Daman and Diu).
- (62) Industrial Advisory Committee (Goa, Daman and Diu).
- (63) Wild Life Board of Goa, Daman and Diu.

- (64) Advisory Committee to watch over the interest of Scheduled Castes and Scheduled Tribes and economically Backward Classes (Goa, Daman and Diu).
- (65) Committee to examine the grant-in-aid Code and suggest necessary changes (Goa, Daman and Diu).
- (66) State Invention Advisory Committee (Goa, Daman and Diu).
- (67) Town Planning Committee (Goa, Daman and Diu).
- (68) Committee appointed for disposal of confiscated Arms (Dadra and Nagar Haveli).
- (69) National Foundation for Teachers Welfare Fund (Dadra and Nagar Haveli).
- (70) Raw Materials Advisory Committee (Dadra and Nagar Haveli).
- (71) Committee to look after the welfare of the people of Scheduled Castes (Dadra and Nagar Haveli).
- (72) State Integration Council Committee (Dadra and Nagar Haveli).
- (73) State Committee on Employment (Pondicherry).

S.B.P. PATTABHI RAMA RAO,
Chairman,

Joint Committee on Offices of Profit.

NEW DELHI;
8th January, 1976.

APPENDIX

(Vide Para 2 of the Report)

MINUTES OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

I

Forty-eighth sitting

The Committee sat on Monday, the 10th November, 1975 from 15.30 to 16.05 hours.

PRESENT

Shri S. B. P. Pattabhi Rama Rao—*Chairman*

MEMBERS

Lok Sabha

2. Shri Chandrika Prasad
3. Shri Jagannathrao Joshi
4. Shri Z. M. Kahandole
5. Shri S. M. Siddayya
6. Shri Ramji Ram
7. Shri Arjun Sethi
8. Shri Ramavatar Shastri
9. Shri Ram Shekhar Prasad Singh

Rajya Sabha

10. Shri N. M. Kamble
11. Shri A. K. Refaye
12. Shri Venigalla Satyanarayana

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

2. The Committee took up for consideration memorandum Nos. 859—908 relating to certain Committees/Boards/Corporations, etc., constituted by the Government of India/State Governments/Union Territory Administrations.

State Transport Authority, Himachal Pradesh (Memorandum No. 867).

3. The Committee noted that the payment admissible to the non-official members, of the State Transport Authority, Himachal Pradesh was less than the 'compensatory allowance'. However, the Authority possessed power to issue permits, and was in a position to wield influence. It could also exercise quasi-judicial powers. As such, the Committee felt that the membership of the Authority ought not to be exempt from disqualification.

Regional Transport Authorities, Simla and Dharamsala (Himachal Pradesh) (Memorandum No. 870).

4. The Committee noted that the payment admissible to the non-official members of the Regional Transport Authorities, Simla and Dharamsala was less than the 'compensatory allowance'. However, Regional Authority possessed powers to issue permits, and was in a position to wield influence. It could also exercise quasi-judicial powers. As such, the Committee felt that the membership of the Authority ought not to be exempt from disqualification.

Goa, Daman and Diu Industrial Development Corporation, Panaji (Memorandum No. 872).

5. The Committee noted that the non-official members of the Goa, Daman and Diu Industrial Development Corporation, Panaji were entitled to draw Rs. 25/- per meeting for attending its meeting. No member claimed any TA/DA, etc. Thus, the remuneration payable to the non-official members was less than the 'compensatory allowance'. However, the Corporation exercised executive and financial powers. As such, the Committee felt that the membership of the Corporation ought not to be exempt from disqualification.

Goa, Daman and Diu Housing Board (Memorandum No. 873).

6. The Committee noted that the Chairman of the Goa, Daman and Diu Housing Board was entitled to a salary of Rs. 1000/- p.m. or an honorarium not exceeding Rs. 500/- p.m. Other non-official members of the Board were entitled to an allowance of Rs. 15/-

for attending the meetings of the Board. Thus, while the payment admissible to the Chairman of the Board did not come within the ambit of 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959, the payment admissible to other non-official members was less than the 'compensatory allowance'. However, as the Board exercised executive and financial powers, the Committee felt that the membership of the Board ought not to be exempt from disqualification.

Board of Directors of the Andhra Pradesh State Trading Corporation Ltd. (Memorandum No. 889).

7. The Committee noted that the non-official Directors of the Board of Directors of the Andhra Pradesh State Trading Corporation Ltd. were entitled to a sitting fee of rupees fifty per meeting of the Board. They were also entitled to a DA (or Hotel expenses) of Rs. 40/- per day. It was not clear from the material furnished by State Government whether sitting fee and daily allowance were payable to the members for the same days. If they were, the total amount payable to the non-official Directors would exceed the 'compensatory allowance'. If both sitting fee and DA were not payable for the same days, the amount admissible to the non-official Directors would be marginally less than the 'compensatory allowance'. However, as the Board exercised executive and financial powers, the Committee felt that the Directorship of the Board ought not to be exempt from disqualification.

Karnataka State Transport Authority (Memorandum No. 894).

8. The Committee noted that the payment admissible to the non-official members of the Karnataka State Transport Authority was less than the 'compensatory allowance'. However, the Authority possessed power to issue permits, and was in a position to wield influence. It could also exercise quasi-judicial powers. As such, the Committee felt that the membership of the Authority ought not to be exempt from disqualification.

Regional Transport Authority for each District (Karnataka) (Memorandum No. 895).

9. The Committee noted that the payment admissible to the non-official members of the Regional Transport Authority for each District (Karnataka) was less than the 'compensatory allowance'. However, the Authorities possessed power to issue permits, and were in a position to wield influence. They could also exercise

quasi-judicial powers. As such, the Committee felt that the membership of the Authorities ought not to be exempt from disqualification.

The Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Board. (Maharashtra) (Memorandum No. 898).

10. The Committee noted that the payment admissible to the non-official members of the Board was less than the 'compensatory allowance'. But the Board exercised executive and financial powers. It also heard appeals from the orders passed by the Managing Committee of the Gurudwara, and its orders on such appeals were final.

However, under Sec. 39(1) (h) of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Act, 1956, the expenditure on the TA/DA etc. payable to the members of the Board was to be met from the Fund of the Gurudwara. Section 45 of the Act laid down that the Government shall not be liable for any expenditure incurred in connection with the administration of the Act.

Also, the functions and powers of the Gurudwara Board were comparable to the functions and powers of a Wakf Board, constituted under Section 11 of the Wakf Act, 1954, section 24 of which declared that the offices of Chairman and members of a State (Wakf) Board shall not disqualify, and shall be deemed never to have disqualified the holders thereof for being chosen as, or for being, Members of Parliament. Further, under section 6(1) of the Act, 2 members of the Board shall be elected by and be from among the Sikh members of Parliament. In view of the foregoing, the Committee felt that the non-official members of the Gurudwara Board ought to be exempt from disqualification for membership of Parliament.

The Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Committee (Maharashtra) (Memorandum No. 899).

11. The Committee noted that the payment admissible to non-official members of the Committee was less than the 'compensatory allowance'. But the Committee exercised executive and financial powers. However, under section 22(1) of the Act, only one member of the Committee was to be appointed by Government. He was to be either the Collector of Nanded or any other officer. Thus, none of the non-official members of the Committee was an appointee of Government. As appointment by Government had been held by courts to be an essential condition for an office to be an

'office' under Government, the Committee felt that the non-official members of the Committee did not hold an office under the Government within the meaning of Article 102(1) of the Constitution. As such, no further action in the matter was necessary.

Marathwada Wakfs Board (Maharashtra) (Memorandum No. 900).

12. The Committee noted that the payment admissible to the members of the Board (other than the Chairman) was less than the 'compensatory allowance'. But an honorarium of Rs. 300/- per month was paid to the Chairman of the Board. This amount did not come within the ambit of 'compensatory allowance'. Also, the Board carried executive and financial powers. However, in view of the provision of Section 24 of the Wakf Act, 1954, which declares that the offices of Chairman and members of a State Board shall not disqualify, and shall be deemed never to have disqualified the holders thereof for being chosen as, or for being, Members of Parliament, the Committee felt that the membership of the Board (including Chairmanship) ought to remain exempt from disqualification for membership of Parliament.

Godavari (Jayakwadi) Development Board (Maharashtra) Memorandum No. 902).

13. The Committee noted that the payment admissible to the non-official members of the Godavari (Jayakwadi) Development Board was less than the 'compensatory allowance'. However, the Board exercised general supervision and control and took decisions on policies and administrative matters pertaining to the Jayakwadi Project and all the development schemes in respect of its command area. Also, the Government could delegate to the Board additional powers. As such, the Committee felt that the Membership of the Board ought not to be exempt from disqualification.

National Film Development Corporation (P) Ltd.—(Ministry of Information and Broadcasting) (Memorandum No. 905).

14. The Committee noted that the non-official Directors of the National Film Development Corporation (P) Ltd., were entitled to a sitting fee of Rs. 150/- per meeting of the Board along with boarding and lodging expenses which was more than the 'compensatory allowance'. Besides, the Board of Directors exercised executive and financial powers. As such, the Committee felt that the Directorship of the Corporation (including Chairmanship) ought not to be exempt from disqualification.

Board of Directors of Hindustan Petroleum Corporation Limited
(Ministry of Petroleum and Chemicals) (Memorandum No. 906).

15. The Committee noted that the non-official Directors of the Board of Directors of Hindustan Petroleum Corporation Limited were entitled to travelling allowance and living and hotel expenses for attending meetings. In addition, they might be paid a fee for attending the meetings of the Board which would not exceed Rs. 250/-. This would exceed the 'compensatory allowance'. Besides, the Board of Directors exercised executive and financial powers. As such, the Committee felt that the non-official Directors ought not to be exempt from disqualification.

16. In regard to the following bodies, the Committee noted that the non-official members thereof were either not entitled to any remuneration or were entitled to TA and DA which was less than the 'compensatory allowance'. Besides, the functions of these bodies were mainly advisory in nature or their character, composition, etc., were such that their membership ought to be exempt from disqualification. The Committee, accordingly, decided to recommend exemption of membership of these bodies from disqualification for membership of Parliament :

- (1) Tribes Advisory Council (Orissa).
(Memorandum No. 859).
- (2) Harijan Welfare Advisory Board (Orissa).
(Memorandum No. 860).
- (3) State Level Evaluation Committee (Orissa).
(Memorandum No. 861).
- (4) Standing Committee on lease of waste lands to Scheduled Castes and Scheduled Tribes (Orissa).
(Memorandum No. 862).
- (5) Standing Committee on Employment of Scheduled Castes and Scheduled Tribes (Orissa).
(Memorandum No. 863).
- (6) District Welfare Committees (Orissa).
(Memorandum No. 864).
- (7) District Development Committee (Himachal Pradesh).
(Memorandum No. 865).

- (8) Advisory Committee on Minorities (Himachal Pradesh).
(Memorandum No. 866).
- (9) State Fertilizer Advisory Committee (Himachal Pradesh).
(Memorandum No. 868).
- (10) Press Accreditation Committee (Himachal Pradesh).
(Memorandum No. 869).
- (11) Managing Committee for Management and Administration of Special Fund for reconstruction and rehabilitation of ex-servicemen (Goa, Daman and Diu).
(Memorandum No. 871).
- (12) State Evaluation and Implementation Committee (Goa, Daman and Diu).
(Memorandum No. 874).
- (13) State Labour Advisory Committee (Goa, Daman and Diu)
(Memorandum No. 875).
- (14) State Tourism Development Committee (Goa, Daman and Diu).
(Memorandum No. 876).
- (15) State Advisory Committee on Employment (Goa, Daman and Diu).
(Memorandum No. 877).
- (16) Industrial Advisory Committee (Goa, Daman and Diu).
(Memorandum No. 878).
- (17) Wild Life Board of Goa, Daman and Diu.
(Memorandum No. 879).
- (18) Advisory Committee to watch over the interest of Scheduled Castes and Scheduled Tribes and economically Backward Classes (Goa, Daman and Diu).
(Memorandum No. 880).
- (19) Committee to examine the grant-in-aid Code and suggest necessary changes (Goa, Daman and Diu).
(Memorandum No. 881).

- (20) State Invention Advisory Committee (Goa, Daman and Diu)
(Memorandum No. 882).
- (21) Town Planning Committee (Goa, Daman and Diu)
(Memorandum No. 882).
- (22) Committee appointed for disposal of confiscated Arms (Dadra and Nagar Haveli)
(Memorandum No. 884).
- (23) National Foundation for Teachers Welfare Fund (Dadra and Nagar Haveli)
(Memorandum No. 885).
- (24) Raw Materials Advisory Committee (Dadra and Nagar Haveli)
(Memorandum No. 886).
- (25) Committee to look after the welfare of the people of Scheduled Castes (Dadra and Nagar Haveli)
(Memorandum No. 887).
- (26) State Integration Council Committee (Dadra and Nagar Haveli)
(Memorandum No. 888).
- (27) (a) Visitors' Committees to Borstal School.
(b) Visitors' Committees to Certified Schools (Andhra Pradesh)
(Memorandum No. 891).
- (28) District Committees on Training and Employment. (U.P.)
(Memorandum No. 892).
- (29) State Committee on Employment (Pondicherry)
(Memorandum No. 893).
- (30) Karnataka State Transport Advisory Committee.
(Memorandum No. 896).
- (31) State Minimum Wages Advisory Board, Punjab
(Memorandum No. 897).

(32) Sub-Committees for Groups of Ports:

- (a) sub-committee for Bandra Group of Ports.
- (b) sub-committee for Mora and Rajpuri Group of Ports.
- (c) sub-committee for Ratnagiri group of Ports.
- (d) sub-committee for Vijaydurg Group of Ports.
- (e) sub-committees for Vengurla group of Ports (Maharashtra).

(Memorandum No. 901).

(33) Committee to examine application for notification of spirituous medicinal preparations under entry 69 in Schedule C to the Bombay Sales Tax Act, 1959 (Maharashtra):

(Memorandum No. 903).

(34) Sports Advisory Committee attached to Directorate General, All India Radio (Ministry of Information and Broadcasting).

(Memorandum No. 904).

(35) Development Council for Drugs and Pharmaceuticals Ministry of Petroleum and Chemicals)

(Memorandum No. 907).

(36) Advisory Council for Delhi Transport Corporation (Ministry of Shipping & Transport)

(Memorandum No. 908).

(37) Visitors' Committees to the Jails (Andhra Pradesh).

(Memorandum No. 890).

17. The Committee then adjourned.

II

Forty-ninth sitting

The Committee sat on Tuesday, the 16th December, 1975 from 15.30 to 16.00 hours.

PRESENT

Shri S. B. P. Patabhi Rama Rao—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Chandrika Prasad

3. Shri Z. M. Kahandole

4. Shri S. M. Siddayya
5. Shri Ramji Ram
6. Shri Arjun Sethi
7. Shri Ramavatar Shastri
8. Shri Ram Shekhar Prasad Singh

Rajya Sabha

9. Shri N. M. Kamble
10. Shri A. K. Refaye
11. Shri Venigalla Satyanarayana
12. Shri Yogendra Sharma

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

2. The Committee took up for consideration memoranda Nos. 909—948 relating to certain Committees/Boards/Corporations, etc. constituted by the State Governments.

Tamil Nadu Water Supply and Drainage Board

(Memorandum No. 909)

3. The Committee noted that the non-official Chairman of the Tamil Nadu Water Supply and Drainage Board was entitled to receive an honorarium of Rs. 500 per mensem. This amount did not come within the amount of 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. In addition, he was entitled to get TA/DA. The other non-official Director was entitled to get TA/DA which was less than the 'compensatory allowance'. But the Board exercised executive and financial powers. As such, the Committee felt that the Directorship of the Board ought not to be exempt from disqualification.

Board of Directors of the State Industries Promotion Corporation of Tamil Nadu Ltd.

(Memorandum No. 917)

4. The Committee noted that the non-official Directors of the Board of Directors of the State Industries Promotion Corporation of Tamil Nadu Ltd. were paid Rs. 25 as sitting fee which was less than the 'compensatory allowance'. But the functions of the Board were mainly of executive and financial nature. As such, the Committee felt that the Directorship of the Corporation ought not to be exempt from disqualification.

Board of Directors of the Punjab Financial Corporation, Chandigarh
(Memorandum No. 925)

5. The Committee noted that the payment admissible to the Directors of the Board of Directors of the Punjab Financial Corporation exceeded the 'compensatory allowance'. Also, the functions of the Board were financial in nature, and it was in a position to wield influence. As such, the Committee felt that the Directorship of the Corporation in so far as it was an office of profit under the Government ought not to be exempt from disqualification.

6. The Committee considered Memorandum No. 913 relating to District Level Coordination Committee for Intensive Agricultural Area Programme Districts, Chingleput, Coimbatore, Madurai and Tirunelveli and desired that it should be enquired from the Government of Tamil Nadu whether the said Committee had been constituted under an Act of the State Legislature or a resolution/notification of the State Government.

7. In regard to the following bodies, the Committee noted that the non-official members thereof were either not entitled to any remuneration or were entitled to TA and DA which was less than the 'compensatory allowance'. Besides, the functions of these bodies were mainly advisory in nature or their character, composition, etc. were such that their membership ought to be exempt from disqualification. The Committee, accordingly, decided to recommend exemption of membership of these bodies from disqualification for membership of Parliament:

- (1) Action Committee to advise Agricultural Finance Corporation (Tamil Nadu)
(Memorandum No. 910).
- (2) Agricultural Machinery Advisory Committee (Tamil Nadu)
(Memorandum No. 911).
- (3) District Level Committee on Assessment and Evaluation of the Intensive Agricultural District Programme in Thanjavur (Tamil Nadu)
(Memorandum No. 912).
- (4) District Level Committee to review progress of Implementation of Minor Irrigation Schemes assisted by Agricultural Refinance Corporation Bombay (Tamil Nadu)
(Memorandum No. 914).

- (5) Tamil Nadu Bhoodan Yagna Board
(Memorandum No. 915).
- (6) Advisory Committee for the Institute of Textile Technology, Madras
(Memorandum No. 916).
- (7) Committee for the Administration of the Amalgamated Tamil Nadu Shares of the Post-War Services Reconstruction Fund and the Special Fund for Reconstruction and Rehabilitation of Ex-servicemen
(Memorandum No. 918).
- (8) Local Advisory Committee in the I.T.Is/Centres (Tamil Nadu)
(Memorandum No. 919).
- (9) State Apprenticeship Council, Madras
(Memorandum No. 920).
- (10) State Trade Committee (Tamil Nadu)
(Memorandum No. 921).
- (11) Implementation Committee for training in Building Trades (Tamil Nadu)
(Memorandum No. 922).
- (12) Tamil Nadu State Soldier's, Sailor's and Airmen's Board
(Memorandum No. 923).
- (13) Hospital Advisory Committee (Tamil Nadu)
(Memorandum No. 924).
- (14) Punjab State Soldiers' Sailors' and Airmen's Board
(Memorandum No. 926).
- (15) District Soldiers', Sailors' and Airmen's Boards (Punjab)
(Memorandum No. 927).
- (16) Punjab Wakf Board (Memorandum No. 928).
- (17) Hindi Vikas Board (Punjab)
(Memorandum No. 929).
- (18) Gujarat District Gazetteers (Revision) Editorial Committee
(Memorandum No. 930).

- (19) Advisory Committee for scrutinizing and making suggestions to the manuscripts received for financial assistance—promotion of—regional languages scheme, Gujarat
(Memorandum No. 931).
- (20) Gujarat State Haj Committee
(Memorandum No. 932).
- (21) State Council of Technical Education (Gujarat)
(Memorandum No. 933).
- (22) State Committee on Employment (Gujarat)
(Memorandum No. 934).
- (23) State Council for Training in Vocational Trades (Gujarat)
(Memorandum No. 935).
- (24) State Apprenticeship Council (Gujarat)
(Memorandum No. 936).
- (25) Local Committees attached to Industrial Training Institutes (Gujarat)
 - (Memorandum No. 937).
- (26) Gujarat State Minimum Wages Advisory Board
 - (Memorandum No. 938).
- (27) Gujarat Labour Welfare Board
(Memorandum No. 939).
- (28) State Board of Primary Education (Gujarat)
(Memorandum No. 940).
- (29) The Gujarat Board of Ayurvedic and Unani System of Medicine
(Memorandum No. 941).
- (30) State Advisory Board for Harijan Welfare (Gujarat)
(Memorandum No. 942).
- (31) Gujarat State Youth Board
(Memorandum No. 943).
- (32) State Sports Council (Gujarat)
(Memorandum No. 944).
- (33) District Prohibition Committees (Gujarat)
(Memorandum No 945)

- (34) State Labour Advisory Board (Gujarat)
(Memorandum No 946).
- (35) Gujarat State Social Welfare Advisory Board
(Memorandum No. 947).
- (36) The State Advisory Council of Education (Gujarat)
(Memorandum No. 948).

8. The Committee then adjourned.

III

Fiftieth Sitting

The Committee sat on Thursday, the 8th January, 1976 from 10.30 to 10.50 hours.

PRESENT

Shri S. B. P. Pattabhi Rama Rao—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Chandrika Prasad
3. Shri Ramavatar Shastri
4. Shri Ram Shekhar Prasad Singh

Rajya Sabha

5. Shri A. K. Refaye
6. Shri Venigalla Satyanarayana
7. Shri Yogendra Sharma

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*.

2. The Committee considered their draft 15th and 16th Report and adopted them.

3. The Committee decided that both the 15th and 16th Reports might be presented to Lok Sabha on the 12th January, 1976. The Committee also decided that the Reports may be laid on the Table of Rajya Sabha on the same day.

4. The Committee authorised the Chairman, and, in his absence, Shri Ramavatar Shastri to present the Reports to Lok Sabha on their behalf.

5. The Committee authorised Shri A. K. Refaye, and, in his absence, Shri Venigalla Satyanarayana to lay the Reports on the Table of Rajya Sabha.

6. The Committee then adjourned.
