

# **JOINT COMMITTEE ON OFFICES OF PROFIT**

**ELEVENTH REPORT**

**(SEVENTH LOK SABHA)**



*Presented to Lok Sabha on 10th August, 1984*

*Laid in Rajya Sabha on 10th August, 1984*

**LOK SABHA SECRETARIAT  
NEW DELHI**

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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***

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\*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 Eleventh Report of the Committee.

1.2 The matters covered by the Report were considered by the Committee at their sittings held on 16th, 17th and 27th January, 28th March, and 27th April 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 29 Committees/Boards/Corporations/Commissions etc. constituted by the Central Government and the State Governments 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 and the State Governments.

1.5 The Committee considered and adopted the Report on the 8th 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

### COMMITTEES/BOARDS/CORPORATIONS/COMMISSIONS ETC. CONSTITUTED BY THE CENTRAL AND STATE GOVERNMENTS

#### *Programme Advisory Committee at each Doordarshan Kendra (Ministry of Information and Broadcasting)*

2.1 The Committee note that the non-official members of the Programme Advisory Committee at each Doordarshan Kendra are entitled to draw T.A. and D.A. as admissible to Government Officers 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 above Committee are to advise the Doordarshan Kendra about the programme matters, *i.e.*, to review telecast programme and make suggestions for improvement. Thus, the functions of the Committee are mainly advisory in nature. As such, the Committee feel that the non-official members of the Programme Advisory Committee *ought to be exempt* from disqualification.

#### *Newsprint Purchase Committee (Ministry of Information and Broadcasting)*

2.2 The Committee note that the non-official members of the Newsprint Purchase Committee are entitled to draw only T.A. and D.A. as admissible under the Government Rules which are covered by the 'compensatory allowance'. The functions of the Committee are to review the newsprint position and to take appropriate steps to ensure regular supplies of newsprint to newspapers and to conduct negotiations in that regard and finalise contracts. The Committee, thus, exercise executive powers and are in a position to wield influence and patronage. As such, the Committee feel that the non-official members of the Newsprint Purchase Committee *ought not to be exempt* from disqualification.

#### *Documentary Film Purchase Committee (Ministry of Information and Broadcasting)*

2.3 The Committee note that the non-official members of the Documentary Film Purchase Committee are entitled to draw T.A. and D.A. at the rates admissible under the Rules and these allowances are covered by the 'compensatory allowance'. However, the functions of the above Committee, namely, to recommend purchase of documentary films from independent producers and other agencies, are binding on the Film Division. The Committee are, therefore, in a position to wield influence and power by way of patronage. As such, the Committee feel that the non-official members of the Documentary Film Purchase Committee *ought not to be exempt* from disqualification.

*Technical Advisory Committee of A.I.R. and Doordarshan (Ministry of Information and Broadcasting)*

2.4 The Committee note that T.A. and D.A. are paid at the rates admissible under the Rules to the non-official members of the Technical Advisory Committee and such allowances are covered by the 'compensatory allowance'. The functions of the above Committee, namely, to review and advise on the planning, research and development of broadcasting and television in the country and other technical matters, are mainly advisory in nature. As such, the Committee feel that the non-official members of the Technical Advisory Committee *ought to be exempt* from disqualification.

*Committee on Wastage Allowance to processing Laboratories (Ministry of Information and Broadcasting)*

2.5 The Committee note that the non-official members of the Committee on Wastage Allowance to processing laboratories are paid T.A. and D.A. as admissible under the Government Rules and these are covered by the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee are executive in nature as the aforesaid Committee determines the quantum of Wastage Allowance to be allowed to the processing laboratories.

As such, the Committee feel that the non-official members of the Committee on Wastage Allowance to processing laboratories *ought not to be exempt* from disqualification.

*Committee to examine and determine economy in the consumption of raw-stock (Ministry of Information and Broadcasting)*

2.6 The Committee note that no remuneration is paid to the non-official member of the Committee to examine and determine economy in the consumption of raw-stock. The said Committee gives cash awards/certificates as an incentive to the film shooting unit for effecting economy in the use of raw-stock and thus, the Committee exercises executive and financial powers and are in a position to wield influence and patronage. As such, the Committee feel that the non-official member of the Committee to examine and determine economy in the consumption of raw-stock *ought not to be exempt* from disqualification.

*Subject Committee for Krishi Darshan Programme (Ministry of Information and Broadcasting)*

2.7 The Committee note that the non-official member of the Subject Committee for Krishi Darshan programme is entitled to draw T.A. and D.A. as per rules and such allowance are covered by the 'compensatory allowance'. The Committee further note that besides T.A. and D.A., the non-official member is also entitled to the payment of 'consultancy fee' at the rate of Rs. 65/-

per day which becomes profit inasmuch as the same does not purport to cover any actual expenses and also does not come within the ambit of 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions to the Committee are, however, advisory in nature.

In view of payment of consultancy fee at the rate of Rs. 65/-, the Committee feel that the non-official member of the Subject Committee for Krishi Darshan Programme *ought not to be exempt* from disqualification.

*Consultative Panel for Educational Broadcast and University-cum Science Broadcasts (Ministry of Information and Broadcasting)*

2.8 The Committee note that the non-official members of the Consultative Panel for Educational Broadcast and University-cum-Science Broadcasts are entitled to T.A. in addition to the consultancy fee of Rs. 65/-per day. The payment of consultancy fee amounts to profit inasmuch as the same does not cover any actual expenses and as such, it does not come within the ambit of 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Consultative Panel are, however, advisory in nature. In view of payment of consultancy fee, the Committee feel that the non-official members *ought not to be exempt* from disqualification.

*State Advisory Committee, Andhra Pradesh under the Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour)*

2.9 The Committee note that the non-official members of the State Advisory Committee, Andhra Pradesh set up under the Beedi Workers Welfare Fund Act, 1976 are entitled to payment of T.A. and D.A as per rules which are covered by 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee are also advisory in nature as they advise the Central Government on such matters arising out of the administration of the Beedi Workers Welfare Fund Act, 1976, as may be referred to it by the Government including matters relating to the application of the Beedi Workers Welfare Fund. Hence, the Committee feel that the non-official members of the said Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Orissa under the Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour)*

2.10 The Committee note that the non-official members of the State Advisory Committee, Orissa under the Beedi Workers Welfare Fund Act, 1976 are entitled to payment of T.A. as per rules and such allowances are covered by the 'compensatory allowance'. The functions of the Committee are also advisory in nature. Hence, the Committee feel that the non-official members of the aforesaid Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Kerala under the Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour)*

2.11 The Committee note that the non-official members of the State Advisory Committee, Kerala set up under the Beedi Worker Welfare Fund Act, 1976 are entitled to payment of T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The functions of the Committee are also advisory in nature. Hence, the Committee feel that the non-official members of the aforesaid Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Tamil Nadu under the Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour)*

2.12 The Committee note that the non-official members of the State Advisory Committee, Tamil Nadu set up under the Beedi Workers Welfare Fund Act, 1976 are entitled to payment of T.A. and D.A. as per rules and such allowances are covered by the 'compensatory allowance'. The functions of the Committee are also advisory in nature. Hence, the Committee feel that the non-official members of the aforesaid Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Madhya Pradesh under the Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour)*

2.13 The Committee note that the non-official members of the State Advisory Committee, Madhya Pradesh under the Beedi Workers Welfare Fund Act, 1976 are entitled to payment of T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The functions of the Committee are also advisory in nature. Hence, the Committee feel that the non-official members of the aforesaid Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Gujarat under the Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour)*

2.14 The Committee note that the non-official members of the State Advisory Committee, Gujarat set up under the Beedi Workers Welfare Fund Act, 1976 are entitled to payment of T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The functions of the Committee are also advisory in nature. Hence, the Committee feel that the non-official members of the aforesaid Committee *ought to be exempt* from disqualification.

*Central Advisory Board for Mica Mines Labour Welfare Fund (Ministry of Labour)*

2.15 The Committee note that the non-official members of the Central Advisory Board for Mica Mines Labour Welfare Fund are entitled to draw T.A. and D.A. which are covered by the 'compensatory allowance'. The functions of the Board, namely, to advise on the activities of the Welfare Funds are also purely advisory in nature. As such, the Committee



feel that the non-official members of the Board *ought to be exempt* from disqualification.

*Gujarat Water Pollution Control Board (Gujarat)*

2.16 The Committee note that the non-official members of the Gujarat Water Pollution Control Board are entitled to T.A. as admissible to a Class I Officer of the State and compensatory allowance at the rate of Rs. 50/- per day of the meeting 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, however, executive in nature. As such, the Committee feel that the non-official members of the Gujarat Water Pollution Control Board *ought not to be exempt* from disqualification.

*High Level Committee-II to examine the problems of salinity ingress along the coastal area (excepting Madhavpur to Una) of Saurashtra including Kutch (Gujarat)*

2.17 The committee note that the non-official members of the High Level Committee-II to examine the problems of salinity ingress along the coastal area (excepting Madhavpur to Una) of Saurashtra including Kutch are entitled to T.A. and D.A. as admissible to a Class I Officer of the State Government, which are covered by the 'compensatory allowance'. The functions of the Committee are, mainly of advisory nature. As such, the Committee feel that the non-official members of the said Committee *ought to be exempt* from disqualification.

*High Level Committee-II to examine the problem of salinity ingress along the coastal area of Saurashtra from Madhavpur to Una (Gujarat)*

2.18 The Committee note that the non-official members of the High Level Committee-II to examine the problem of salinity ingress along the Coastal area of Saurashtra from Madhavpur to Una are entitled to T.A. and D.A. as admissible to Class I Officers of the State Government which are covered by the 'compensatory allowance'. The functions of the Committee are purely advisory in nature. As such, the Committee feel that the non-official members of the said Committee *ought to be exempt* from disqualification.

*Board of Directors of Tourism Corporation of Gujarat Ltd. (Gujarat)*

2.19 The Committee note that the non-official Directors of the Board of Directors of Tourism Corporation of Gujarat Ltd. are not entitled to any payment. The Board of Directors of Gujarat Tourism Corporation, however, exercise executive functions and are in a position to wield influence and power by way of patronage. As such, the Committee feel that the non-official Directors (including Chairman) of the Board *ought not to be exempt* from disqualification.

In this connection, the Committee also note the recommendations made by the Joint Committee on Offices of Profit in para 16 of their Eighth Report (Fifth Lok Sabha) in a similar case of the Kerala Tourism Development Corporation Ltd. that the directorship (including chairmanship) of that Corporation *ought not to be exempt* from disqualification.

*Fodder and Grass Land Development Committee (Karnataka)*

2.20 The Committee note that the non-official members of the Fodder and Grass Land Development Committee are entitled to T.A. and D.A. as admissible under the Karnataka Civil Service Rules which are covered by the 'compensatory allowance'. The functions of the Committee are mainly advisory in nature. As such, the Committee feel that the non-official members *ought to be exempt* from disqualification.

In this connection, the Committee also note the recommendations made by them in para 2.22 of their Eighth Report (Seventh Lok Sabha) in a similar case relating to the Fodder and Grass Land Development Committee, Meghalaya to the effect that except the chairman, the other non-official members *ought to be exempt* from disqualification. In that case the chairman was, however, not recommended to be exempt from disqualification as he was entitled to an honorarium of Rs. 750/- per month in addition to conveyance allowance of Rs. 450/- per month which was not covered by the 'compensatory allowance'.

*Executive Committee of the Meghalaya State Cooperative Union Ltd.  
Shillong (Meghalaya)*

2.21 The Committee note that the President of the Executive Committee of the Meghalaya State Cooperative Union Ltd., Shillong is entitled to a conveyance allowance of Rs. 350/- per month and other non-official members are eligible to draw Rs. 200/- per month as 'conveyance allowance'. The Committee also note that besides the conveyance allowance, a sitting fee at the rate of Rs. 30/- per sitting is also allowed in addition to T.A. to the non-official members. The payment of sitting fee to non-official members, thus, amounts to office of profit inasmuch as the same does not purport to cover any actual expenses and it is not covered by the 'compensatory allowance'. The President and non-official members are also exercising executive and financial powers. As such, the Committee feel that the non-official members (including the President) *ought not to be exempt* from disqualification.

*Meghalaya Board of School Education (Meghalaya)*

2.22 The Committee note that the non-official members of the Meghalaya Board of School Education are entitled to T.A. and D.A. only and no other remuneration is paid to them. The amount drawn by them, is thus, covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. However, the Board have been given

wide executive powers to regulate, supervise and control school education and the Board also exercises financial powers like levy of examination fees. Hence, the Committee feel that the non-official members of the Board *ought not to be exempt* from disqualification.

*Women's Committee (Tamil Nadu)*

2.23 The Committee note that the non-official members of the Women's Committee, Tamil Nadu are entitled to T.A. and D.A. as per rules which are covered by the 'compensatory allowance'. The functions of the Committee are to arrange for a survey of unemployed women and submit specific recommendations for implementing various programmes to benefit the needy women. Thus, the functions are only advisory in nature. As such, the Committee feel that the non-official members of the Women's Committee *ought to be exempt* from disqualification.

*Advisory Committee for the Government Rehabilitation Homes  
(Tamil Nadu)*

2.24 The Committee note that the non-official members of the Advisory Committee for the Government Rehabilitation Homes (Tamil Nadu) 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 also purely advisory in nature, as they advise the Government on the Welfare measures to be taken for the rehabilitation of leprosy beggars so that they can live without begging. As such, the Committee feel that the non-official members of the Advisory Committee *ought to be exempt* from disqualification.

*State Board of Adult Education (Tamil Nadu)*—

2.25 The Committee note that the non-official members of the State Board of Adult Education (Tamil Nadu), are entitled to draw T.A. and D.A. as per rules which are covered by the 'compensatory allowance' and no other remuneration is admissible to non-official members. The functions of the Board are only to make recommendations on implementation of non-formal and Adult Education Scheme and thus, the functions are also 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 also note that they had already examined a similar State Board of Adult Education, Dadra and Nagar Haveli and recommended that non-official members of the Board *ought to be exempt* from disqualification *vide* Sixth Report (Seventh Lok Sabha), Para 2.18.

*Tamil Nadu State UNESCO Committee (Tamil Nadu)*

2.26 The Committee note that the non-official members of the Tamil Nadu State UNESCO Committee 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 also mainly advisory in nature as the Committee mainly makes recommendations on schemes for assisting UNESCO aid. As such, the Committee feel that the non-official members of the said UNESCO Committee *ought to be exempt* from disqualification.

*State Level Co-ordination Committee on Nilgiris Horticulture Development  
Project (Tamil Nadu)*

2.27 The Committee note that the non-official members of the State Level Co-ordination Committee on Nilgiris Horticulture Development Project 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 also mainly advisory in nature as the Committee have been set up to review matters connected with the implementation of Nilgiris Horticulture Development Project. As such, the Committee feel that the non-official members of the said Committee *ought to be exempt* from disqualification.

*Uttar Pradesh Minorities Commission (Uttar Pradesh)—Nomination of  
Shri Jitendra Prasada, M.P. as a member thereof.*

2.28 The Committee on a reference received from the Government of Uttar Pradesh regarding the proposed nomination of Shri Jitendra Prasada, M.P. as a member of the Uttar Pradesh Minorities Commission, have considered the composition and detailed functions of the Uttar Pradesh Minorities Commission. The Committee note that the non-official members of the Uttar Pradesh Minorities Commission are entitled to draw T.A. and D.A. 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 Commission are also mainly advisory in nature as the Commission is primarily concerned in removing the difficulties arising in the way of effective implementation and enforcement of various protections provided in the Constitution for the minorities and in the Central and the State Laws and to make recommendations for any improvement therein as per requirement. As such, the Committee feel that the non-official members and a Member of Parliament, if appointed as a member or chairman of the Uttar Pradesh Minorities Commission, *ought to be exempt* from disqualification provided they are not entitled to draw remuneration or allowances other than the 'compensatory allowance'.

In this connection, the Committee also note that they had examined a similar body, namely, Minorities Commission constituted by the Ministry of Home Affairs, Government of India and recommended, *vide* Fourth Report (Seventh Lok Sabha), paragraph 2.12, that the non-official chairman/members other than a Member of Parliament of the Commission ought not to be exempt from disqualification as they drew salary and allowances which were not covered by the 'compensatory allowance'. However, a Member of Parliament who was not entitled to draw any remuneration or allowances other than the 'compensatory allowance' had been exempt from disqualification.

*Uttar-Pradesh State Road Transport Corporation (Uttar Pradesh)—Nomination of Shri Harish Rawat M.P. as a non-official Director thereof*

2.29 The Committee have considered a reference received from the Government of Uttar Pradesh regarding the proposed nomination of Shri Harish Rawat, M.P. as a non-official Director of the Uttar Pradesh State Road Transport Corporation. The Committee note that the non-official directors of the Uttar Pradesh State Road Transport Corporation are entitled to draw T.A. and D.A. as admissible under the Government 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 of Directors of the Uttar Pradesh State Road Transport Corporation are, however, executive and financial in nature, as the general superintendence, direction and management of the office and business of the Corporation are vested in the Board of Directors which may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation.

As such, the Committee feel that the non-official directors of Uttar Pradesh State Road Transport Corporation, including Shri Harish Rawat, Member of Parliament, if appointed as a director of the U.P. State Road Transport Corporation, *ought not to be exempt* from disqualification.

NEW DELHI ;  
8th August, 1984  
Sravana 17, 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)

XLVIII

FORTY-EIGHTH SITTING

The Committee met on Monday, 16 January, 1984 from 1500 to 1600 hours.

#### PRESENT

Shri Gulsher Ahmed—*Chairman*

#### MEMBERS

*Lok Sabha*

2. Shri Harish Kumar Gangwar
3. Shri Jamilur Rahman
4. Shri Rashid Masood
5. Shri S. A. Dorai Sebastian
6. Shri N. K. Shejwalkar
7. Shri Nandi Yellaiah

*Rajya Sabha*

8. Shri Syed Rahmat Ali
9. Shri Dinesh Goswami
10. Shri Lakhon Singh
11. Shri Ram Bhagat Paswan

#### SECRETARIAT

1. Shri S. D. Kaura—*Chief Legislative Committee Officer*
2. Shri S. S. Chawla—*Senior Legislative Committee Officer*

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6. The Committee then took up for consideration Memoranda (Nos. 193 to 198) relating to the following committees constituted by the Central Government.

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

*State Advisory Committee, Andhra Pradesh under Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour) (Memorandum No. 193)*

6. The Committee noted that the non-official members of the State Advisory Committee, Andhra Pradesh under Beedi Workers Welfare Fund Act, 1976 were entitled to TA and DA 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 Committee were also advisory in nature. Hence, the Committee felt that the non-official members of the Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Orissa under Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour) (Memorandum No. 194)*

7. The Committee noted that the non-official members of the State Advisory Committee, Orissa under Beedi Workers Welfare Fund Act, 1976 were entitled to TA and DA as per rules which were covered by the 'compensatory allowance'. The functions of the Committee were also advisory in nature. Hence, the Committee felt that the non-official members of the Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Kerala under Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour) (Memorandum No. 195)*

8. The Committee noted that the non-official members of the State Advisory Committee, Kerala under Beedi Workers Welfare Fund Act, 1976 were entitled to TA and DA as per rules which were covered by the 'compensatory allowance'. The functions of the Committee were also advisory in nature. Hence, the Committee felt that the non-official members of the Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Tamil Nadu under Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour) (Memorandum No. 196)*

9. The committee noted that the non-official members of the State Advisory Committee, Tamil Nadu under Beedi Workers Welfare Fund Act, 1976 were entitled to TA and DA as per rules which were covered by the 'compensatory allowance'. The functions of the Committee were also advisory in nature. Hence, the Committee felt that the non-official members of the Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Madhya Pradesh under Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour) (Memorandum No. 197)*

10. The Committee noted that the non-official members of the State Advisory Committee, Madhya Pradesh under Beedi Workers Welfare Fund Act, 1976 were entitled to TA and DA as per rules which were covered by the 'compensatory allowance'. The functions of the Committee were also advisory

in nature. Hence, the Committee felt that the non-official members of the Committee *ought to be exempt* from disqualification.

*State Advisory Committee, Gujarat under Beedi Workers Welfare Fund Act, 1976 (Ministry of Labour) (Memorandum No. 198)*

11. The Committee noted that the non-official members of the State Advisory Committee, Gujarat under Beedi Workers Welfare Fund Act, 1976 were entitled to TA and DA as per rules which were covered by the 'compensatory allowance'. The functions of the Committee were also advisory in nature. Hence, the Committee felt that the non-official members of the Committee *ought to be exempt* from disqualification.

12. *The Committee then adjourned to meet again at 1500 hours on 17 January, 1984.*



## XLIX

### FORTY-NINTH SITTING

The Committee met on Tuesday, 17 January, 1984 from 15.00 to 15.45 hours.

#### PRESENT

Shri Gulsher Ahmed—*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Ajitsinh Dabhi
3. Shri Jamilur Rahman
4. Shri S. A. Dorai Sebastian]
5. Shri N. K. Shejwalkar
6. Shri Nandi Yellaiah

##### *Rajya Sabha*

7. Shri Lakhan Singh
8. Shri Ram Bhagat Paswan

#### SECRETARIAT

1. Shri S. D. Kaura—*Chief Legislative Committee Officer*
2. Shri S. S. Chawla—*Senior Legislative Committee Officer*

2. The Committee took up for consideration 4 Memoranda (Nos. 199 to 202) relating to the following Committees constituted by the Central Government.

*Programme Advisory Committee at each Doordarshan Kendra  
(Ministry of Information and Broadcasting (Memorandum  
No. 199)*

3. The Committee noted that the non-official members of the Programme Advisory Committee at each Doordarshan Kendra were entitled to draw T.A. and D.A. as admissible to Government officers 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 above Committee were mainly advisory in nature. As such, the Committee felt that the non-official members of the Programme Advisory Committee *ought to be exempt* from disqualification.

*Newsprint Purchase Committee (Ministry of Information and Broadcasting)  
(Memorandum No. 200)*

4. The Committee noted that the non-official members of the Newsprint Purchase Committee were only entitled to draw T.A./D.A. as admissible under Government Rules which were covered by the 'compensatory allowance'. The functions of the Committee were to take appropriate steps to ensure regular supplies to newspapers and to finalise contracts. The Committee, thus, exercised executive powers and was in a position to wield influence and patronage. As such, the Committee felt that the non-official members of the Newsprint Purchase Committee *ought not to be exempt* from disqualification.

*Documentary Film Purchase Committee (Ministry of Information and  
Broadcasting) (Memorandum No. 201)*

5. The Committee noted that the non-official members of the Documentary Film Purchase Committee were entitled to draw T.A. and D.A. at the rates admissible under the rules which were covered by the 'compensatory allowance'. However, the functions of the above Committee, namely, to recommend purchase of documentary films from independent producers and other agencies, were binding on the Film Division. The Committee was, therefore, in a position to wield influence and power by way of patronage. As such, the Joint Committee felt that the non-official members of the Documentary Film Purchase Committee *ought not to be exempt* from disqualification.

*Technical Advisory Committee of AIR and Doordarshan (Ministry of  
Information and Broadcasting) (Memorandum No. 202)*

6. The Committee noted that T.A. and D.A. were paid to the non-official members of the Technical Advisory Committee which were covered by the 'compensatory allowance'. The functions of the above Committee were also advisory in nature. As such, the Committee felt that the non-official members of the Technical Advisory Committee *ought to be exempt* from disqualification.

7. The Committee, thereafter, considered their future programme of work and decided to hold their next sitting on Friday, 27 January, 1984 at 12.30 hours.

*The Committee then adjourned.*

L

FIFTIETH SITTING

The Committee met on Friday, 27 January, 1984 from 12.30 to 13.30 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 Dinesh Goswami
11. Shri Robin Kakati
12. Shri Lakhan Singh
13. Shri Ram Bhagat Paswan

SECRETARIAT

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

2. The Committee took up for consideration 10 memoranda (Nos. 203 to 212) relating to the following Committees/Boards/Corporations etc. constituted by the Central Government and State Governments :—

*Committee on Wastage Allowance to processing laboratories (Ministry of Information and Broadcasting) (Memorandum No. 203)*

3. The Committee noted that the non-official members of the Committee on Wastage Allowance to processing laboratories were paid T.A./D.A. as

admissible under Government Rules which was covered by the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Committee were executive in nature as the Committee determined the quantum of wastage allowance to be allowed to the processing laboratories. As such, the Committee felt that the non-official members of the Committee on Wastage Allowance to processing laboratories *ought not to be exempt* from disqualification.

*Committee to examine and determine economy in the consumption of raw-stock (Ministry of information and Broadcasting)*  
(Memorandum No. 204)

4. The Committee noted that no remuneration was paid to the non-official member of the Committee to examine and determine economy in the consumption of raw-stock. The Committee, however, exercised executive and financial powers and was in a position to wield influence and patronage. As such, the Committee felt that the non-official member of the Committee to examine and determine economy in the consumption of raw-stock *ought not to be exempt* from disqualification.

*Subject Committee for Krishi Darshan Programme (Ministry of Information and Broadcasting)* (Memorandum No. 205)

5. The Committee noted that the non-official member of the Subject Committee for Krishi Darshan Programme was entitled to draw T.A. and D.A. as per rules which were covered by the 'compensatory allowance'. The Committee further noted that besides T.A. and D.A., the non-official member was also entitled to the payment of 'consultancy fee' at the rate of Rs. 65/-per day which became profit inasmuch as the same did not purport to cover any actual expenses and also did not come within the ambit of 'compensatory allowance' as defined in Section 2 (a) of Parliament (Prevention of Disqualification) Act, 1959.

The functions of the Committee were, however, advisory in nature.

'In view of payment of consultancy fee at the rate of Rs. 65/-the Committee felt that the non-official member of the Subject Committee for Krishi Darshan Programme, *ought not to be exempt* from disqualification.

*Consultative Panel for Educational Broadcast and University-cum-Science Broadcasts (Ministry of Information and Broadcasting)* (Memorandum No. 206)

6. The Committee noted that the non-official members of the Consultative Panel for Educational Broadcast and University-cum-Science Broadcasts were entitled to T.A. in addition to a consultancy fee of Rs. 65/-per day. The payment of consultancy fee which became profit inasmuch as the same did not cover any actual expenses and also did not come within the ambit of

'compensatory allowance' as defined in Section 2 (a) of Parliament (Prevention of Disqualification) Act, 1959. The functions of the Consultative Panel were, however, advisory in nature. In view of payment of consultancy fee, the Committee felt that the non-official members *ought not to be exempt* from disqualification.

*Gujarat Water Pollution Control Board (Gujarat) (Memorandum No. 207)*

7. The Committee noted that the non-official members of the Gujarat Water Pollution Control Board were entitled to T.A. as admissible to a Class I Officer of the State and compensatory allowance at the rate of Rs. 50/-per day of the meeting 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, however, executive in nature. As such, the Committee felt that the non-official members of the Gujarat Water Pollution Control Board *ought not to be exempt* from disqualification.

*High Level Committee-II to examine the problem of salinity ingress along the coastal area (excepting Madhavpur to Una) of Saurashtra including Kutch (Gujarat) (Memorandum No. 208)*

8. The Committee noted that the non-official members of the High Level Committee II to examine the problem of salinity ingress along the coastal area (excepting Madhavpur to Una) of Saurashtra, including Kutch were entitled to T.A. and D.A. as admissible to a class I officer of the State. Payment of T.A. and D.A. were covered by the 'compensatory allowance'. The functions of the Committee were, however, mainly of advisory nature. As such, the Committee felt that the non-official members of the said Committee *ought to be exempt* from disqualification.

*High Level Committee-II to examine the problem of salinity ingress along the coastal area of Saurashtra from Madhavpur to Una (Gujarat) (Memorandum No. 209)*

9. The Committee noted that the non-official members of the High Level Committee-II to examine the problem of salinity ingress along the coastal area of Saurashtra from Madhavpur to Una were entitled to TA/DA which was 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 said Committee *ought to be exempt* from disqualification.

*Board of Directors of Tourism Corporation of Gujarat Ltd. (Gujarat) (Memorandum No. 210)*

10. The Committee noted that the non-official Directors of the Board of Directors of Tourism Corporation of Gujarat Ltd. were not entitled to any

payment. The Board of Directors of Gujarat Tourism Corporation, however, exercised executive functions and were in a position to wield influence and power by way of patronage. As such, the Committee felt that the non-official Directors (including chairman) of the Board *ought not to be exempt* from disqualification.

In this connection, the Committee also noted the recommendations made by the Joint Committee on Offices of Profit in para 16 of their Eighth Report (Fifth Lok Sabha) in a similar case of Kerala Tourism Development Corporation Ltd. that the directorship (including chairmanship) of the Corporation *ought not to be exempted* from disqualification.

*Fodder and Grass Land Development Committee (Karnataka)*  
(Memorandum No. 211)

11. The Committee noted that the non-official members of the Fodder and Grass Land Development Committee, Karnataka were entitled to T.A. and D.A as admissible under Karnataka Civil Service Rules which were covered by the 'compensatory allowance'. The functions of the Committee were mainly advisory in nature. As such, the Committee felt that the non-official members *ought to be exempt* from disqualification.

In this connection, the Committee noted that they had examined a similar case of Fodder and Grass Land Development Committee (Meghalaya) and recommended in para 2.22 of their Eight Report (Seventh Lok Sabha) that except the Chairman, the other non-official members *ought to be exempt* from disqualification. The chairman in that case was not recommended to be exempt from disqualification as he was entitled to an honorarium of Rs. 750/- per month in addition to conveyance allowance of Rs. 450/- per month which was not covered by the 'compensatory allowance'.

*Executive Committee of the Meghalaya State Cooperative Union Ltd.*  
*Shillong (Meghalaya) (Memorandum No. 212)*

12. The Committee noted that the President of the Executive Committee of the Meghalaya State Cooperative Union Ltd, Shillong was entitled to a conveyance allowance of Rs. 350/- per month and other non-official members were eligible to draw Rs. 200/- per month as 'conveyance allowance'. The Committee also noted that besides the conveyance allowance, a sitting fee of Rs. 30/- per sitting was also allowed in addition to T.A. to the non-official members. The payment of sitting fee became profit inasmuch as the same did not purport to cover any actual expenses and it was not covered by the 'compensatory allowance'. The President and non-official members were also exercising executive and financial powers. As such, the Committee felt that the non-official members including the President *ought not to be exempt* from disqualification.

13. The Committee then decided to meet next on Wednesday, 8 February, 1984.

*The Committee then adjourned*

## LII

### FIFTY-SECOND SITTING

The Committee met on Wednesday, 28 March, 1984 from 1600 to 1630 hours.

#### PRESENT

Shri Gulsher Ahmed—*Chairman*

#### MEMBERS

#### *Lok Sabha*

2. Shri Ajitsinh Dabhi
3. Shri Krishna Chandra Halder
4. Shri Jamilur Rahman
5. Shri S. A. Dorai Sebastian
6. Shri N. K. Shejwalkar
7. Shri Nandi Yellaiah

#### *RA YA SABHA*

8. Shri Syed Rahmat Ali
9. Shri Dinesh Goswami
10. Shri Robin Kakati
11. Shri Lakhan Singh
12. Shri Ram Bhagat Paswan

#### SECRETARIAT

Shri S. P. Gupta—*Chief Personnel and Executive Officer*

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

2. The Committee took up for consideration 8 memoranda (Nos. 213 to 220) relating to the following Boards/Committees/Commission, etc. constituted by the Central Government and State Governments :—

*Meghalaya Board of School Education (Memorandum No. 213)*

3. The Committee noted that the non-official members of the Megha-

laya Board of School Education were entitled only to TA/DA and no other remuneration was paid to them. The amount drawn by them was, thus, covered by the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. However, the Board had been given wide executive powers and the Board also exercised financial powers like levy of examination fees. As such, the Committee felt that the non-official members of the Board *ought not to be exempt* from disqualification.

*Central Advisory Board for Mica Mines Labour Welfare Fund  
(Ministry of Labour) (Memorandum No. 214)*

4. The Committee noted that the non-official members of the Central Advisory Board for Mica Mines Labour Welfare Fund were entitled to draw TA/DA which was covered by the 'compensatory allowance'. The functions of the Board were also purely advisory in nature. As such, the Committee felt that the non-official members of the Board *ought to be exempt* from disqualification.

*Women's Committee (Government of Tamil Nadu) (Memorandum No. 215)*

5. The Committee noted that the non-official members of the Women's Committee, Tamil Nadu were entitled to T.A. and D.A. which were covered by the 'compensatory allowance'. The functions of the Committee were also advisory in nature. As such, the Committee felt that the non-official members of the Women's Committee *ought to be exempt* from disqualification.

*Advisory Committee for the Government Rehabilitation Homes  
(Government of Tamil Nadu) (Memorandum No. 216)*

6. The Committee noted that the non-official members of the Advisory Committee for the Government Rehabilitation Homes, Tamil Nadu were entitled to T.A./D.A. which was covered by the 'compensatory allowance'. The functions of the Committee were also purely advisory in nature. As such, the Committee felt that the non-official members of the Advisory Committee *ought to be exempt* from disqualification.

*State Board of Adult Education (Government of Tamil Nadu)  
(Memorandum No. 217)*

7. The Committee noted that the non-official members of the State Board of Adult Education, Tamil Nadu, were entitled to T.A./D.A. which was covered by the 'compensatory allowance' and no other remuneration was admissible to non-official members. The functions of the Board were also mainly advisory in nature. As such, the Committee felt that the non-official members of the Board *ought to be exempt* from disqualification.

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



of Adult Education, Dadra and Nagar Haveli and recommended that the non-official members of the Board *ought to be exempt* from disqualification. [Sixth Report (Seventh Lok Sabha), Para 2.18]

*Tamil Nadu State UNESCO Committee (Govt. of Tamil Nadu)*  
(Memorandum No. 218)

8. The Committee noted that the non-official members of the Tamil Nadu State UNESCO Committee were entitled to T.A. and D.A. which were 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 said UNESCO Committee *ought to be exempt* from disqualification.

*State Level Co-ordination Committee on Nilgiris Horticulture Development Project (Govt. of Tamil Nadu)*  
(Memorandum No. 219)

9. The Committee noted that the non-official members of the State Level Co-ordination Committee on Nilgiris Horticulture Development Project were entitled to T.A./D.A. which was covered by the 'compensatory allowance'. The functions of the Committee were also mainly advisory in nature as the Committee had been set up with a view only to review matters connected with the implementation of Nilgiris Horticulture Development Project. As such, the Committee felt that the non-official members of the said Committee *ought to be exempt* from disqualification.

*Uttar Pradesh Minorities Commission (Government of Uttar Pradesh)*  
(Memorandum No. 220)

10. The Committee then took up for consideration Memorandum No. 220 relating to a reference received from the Government of Uttar Pradesh regarding proposed nomination of Shri Jitendra Prasada, M.P. as a member of the Uttar Pradesh Minorities Commission. The Committee noted that the non-official members of the Uttar Pradesh Minorities Commission were entitled to T.A. and D.A. 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 Commission were also mainly of advisory nature as the functions of the Commission were primarily to remove the difficulties arising in the way of effective implementation and enforcement of various protections provided in the Constitution for the minorities and in the Central and the State Laws and to make recommendations for any improvement therein as per requirement. As such, the Committee felt that the non-official members and a Member of Parliament, if appointed as a member or chairman of the Uttar Pradesh Minorities Commission, *ought to be exempt* from disqualification provided they were not entitled to draw remuneration or allowances other than the 'compensatory allowance'.

In this connection, the Committee also noted that the Joint Committee on Offices of Profit (Seventh Lok Sabha) had examined a similar body, namely, Minorities Commission constituted by the Ministry of Home Affairs, Government of India and recommended that the non-official chairman/members other than a Member of Parliament of the Commission ought not to be exempt from disqualification as they drew salary and allowances which were not covered by the 'compensatory allowance'. However, Member of Parliament who was not entitled to draw any remuneration or allowances other than the 'compensatory allowance' had been exempt from disqualification. [Fourth Report (Seventh Lok Sabha), Paragraph 2.12].

11. The Chairman, thereafter informed the Committee that three members of the Committee, namely, Sarvashri Lakhan Singh, Dinesh Goswami and Robin Kakati, members, Rajya Sabha would cease to be members of the Committee on their retirement from Rajya Sabha w. e. f. 2nd and 9th April, 1984.

12. The Chairman and members of the Committee then paid warm tributes to them and placed on record their appreciation for their cooperation and valuable contributions during the deliberations of the Committee.

13. The retiring members of the Rajya Sabha also placed on record their high appreciation and thanks to the Chairman (Shri Gulsher Ahmed, M.P.) for very ably and impartially conducting the proceedings of the Committee and guiding their deliberations at each sitting with his legal acumen and jurisprudence. They expressed gratitude to the Chairman that under his able guidance, the contribution of the Committee in upholding and maintaining the integrity and independence of Members of Parliament without any fear or favour from the executive pressure would be written in golden letters. The members felt that the Committee was indeed lucky to have such a dynamic Chairman whose unfailing courtesy to the Members, and guidance all along in the course of their work, enabled the Committee to continue to discharge their functions as a cordial and homogenous team.

14. The Committee also placed on record their appreciation and thanks to the officers and staff of the Lok Sabha Secretariat for their hard work and valuable assistance rendered by them to facilitate the work of the Committee in all matters and in preparing the draft Reports promptly.

15. *The Committee then adjourned.\**

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\*After adjournment of the sitting, a Group Photograph of the members of the Committee was also arranged.

## LIV

### FIFTY-FOURTH SITTING

The Committee met on Friday, the 27th April, 1984 from 15.30 to 16.10 hours.

#### PRESENT

Shri Gulsher Ahmed—*Chairman*

#### MEMBERS

#### LOK SABHA

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

#### SECRETARIAT

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

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6. The Committee then took up for consideration Memorandum No. 221 relating to a reference received from the Government of Uttar Pradesh regarding proposed nomination of Shri Harish Rawat, M.P. as a non-official director of the Uttar Pradesh State Road Transport Corporation. The Committee noted that the non-official directors of the Uttar Pradesh State Road Transport Corporation were entitled to T.A. and D.A. as admissible under Government 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 of Directors of Uttar Pradesh State Road Transport Corporation were, however, executive and financial in nature, as the general superintendence, direction and management of the office and business of the Corporation were vested in the Board of Directors which might exercise all such powers and do all such acts and things as might be exercised or done by the Corporation.

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

As such, the Committee felt that the non-official directors of the Uttar Pradesh State Road Transport Corporation, including Shri Harish Rawat, Member of Parliament, if appointed as a director of the U.P. State Road Transport Corporation, *ought not to be exempt* from disqualification.

7. The Committee then decided to meet again on Thursday, 24th and Friday, 25th May, 1984.

*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.*

2. The Committee took up for consideration their draft Eleventh Report and adopted it.

3. The Committee decided that the Eleventh Report might be presented to Lok Sabha on the 10th August, 1984. The Committee also decided that the Report might be laid on the Table of Rajya Sabha on the same day.

4. 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.

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.

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

*The Committee then adjourned.*

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