

JOINT COMMITTEE ON OFFICES OF PROFIT

EIGHTH REPORT

(SEVENTH LOK SABHA)



Presented to Lok Sabha on 6 March, 1984
Laid in Rajya Sabha on 6 March, 1984

LOK SABHA SECRETARIAT
NEW DELHI

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COMMITTEE ON OFFICES OF PROFIT (SEVENTH LOK
SABHA)

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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 Eighth Report of the Committee.

1.2 The matters covered by the Report were considered by the Committee at their sittings held on 15 July, 18 August, 24 and 26 September, 1983. Minutes of these sittings form part of the Report and are at Appendix.

1.3 The Committee considered the composition, character, functions, etc. of 33 Committees/Boards/Councils/Corporations, etc. constituted by the Central Government, State Governments and the Union Territory Administrations and the emoluments and allowances payable to their members.

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

1.5 The Committee considered and adopted the Report on February 8, 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/COUNCILS/CORPORATIONS, ETC. CONSTITUTED BY THE CENTRAL AND STATE GOVERNMENTS AND THE UNION TERRITORY ADMINISTRATIONS

(i) *Standing Committee; and (ii) Executive Council of Indian Institute of Mass Communication Society—(Ministry of Information and Broadcasting)*

2.1 The Committee note that the non-official members of (i) Standing Committee; and (ii) Executive Council of Indian Institute of Mass Communication Society are entitled to T.A. and D.A. @ Rs. 50/- per day for attending the meeting. The local members are entitled to conveyance allowance @ Rs. 25/- per sitting only, The payment thus, admissible is covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the (i) Executive Council and (ii) Standing Committee are, however, executive and financial in nature. As such, the Committee feel that the non-official members of the (i) Executive Council and (ii) Standing Committee of the Indian Institute of Mass Communication Society *ought not to be exempt* from disqualification.

(ii) *Editorial Board for Kurukshetra Journal (Ministry of Information and Broadcasting)*

2.2 The Committee note that no remuneration is paid to the non-official members of the Editorial Board for Kurukshetra Journal. The functions of the Board are to guide the editorial policy of the Journal and to suggest improvement in the contents of the Journal and, thus, are advisory in nature. As such, the Committee feel that the non-official members of the Editorial Board for Kurukshetra Journal *ought to be exempt* from disqualification.

*Central Advisory Board for Commercial Broadcasting Service
(Ministry of Information and Broadcasting)*

2.3 The Committee note that the non-official members of the Central Advisory Board for Commercial Broadcasting Service are entitled to draw T.A /D.A. in accordance with the orders of the Government issued from time to time, payment of which is covered by the 'compensatory allowance'. The

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

Central Advisory Board on Child Welfare
(Ministry of Labour)

2.4 The Committee note that the non-official members of the Central Advisory Board on Child Welfare are entitled to only TA and DA (maximum rate Rs. 49/- per day), payment of which is covered by the 'compensatory allowance'. The functions of the Board are advisory in nature. As such, the Committee feel that the non-official members of the Central Advisory Board on Child Welfare *ought to be exempt* from disqualification.

Central Implementation and Evaluation Committee
(Ministry of Labour)

2.5 The Committee note that the non-official members of the Central Implementation and Evaluation Committee are entitled to actual T.A. only as admissible to Grade I officers of Government and no other remuneration is payable to them. The payment, thus, admissible to them is 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 of the Central Implementation and Evaluation Committee *ought to be exempt* from disqualification.

Central Standing Committee on Rural Unorganised Labour
(Ministry of Labour)

2.6 The Committee note that the non-official members of the Central Standing Committee on Rural Unorganised Labour are entitled to T.A./ D.A. only. No other remuneration is payable to them. The payment, thus, admissible is covered by the 'compensatory allowance'.

The functions of the Committee are advisory in nature. As such, the Committee feel that the non-official members of the Central Standing Committee on Rural Unorganised Labour *ought to be exempt* from disqualification.

Central Advisory Committee under Equal Remuneration Act, 1976
(Ministry of Labour)

2.7 The Committee note that the non-official members of the Central Advisory Committee under Equal Remuneration Act, 1976 are entitled to

T.A./D.A. only, payment of which is covered by the 'compensatory allowance'. No other remuneration is payable to the non-official members of the Committee.

The functions of the Committee are also of advisory nature. Hence, the Committee feel that the non-official members of the said Central Advisory Committee *ought to be exempt* from disqualification.

State Advisory Committee of Madhya Pradesh, Maharashtra and Union Territory of Goa—(Ministry of Labour)

2.8 The Committee note that the non-official members of the State Advisory Committee of Madhya Pradesh, Maharashtra and Union Territory of Goa for the administration of the Limestone and Dolomite Labour Welfare Act, 1972 are entitled to T.A. and D.A. @ Rs. 49/- maximum. Payment, thus, admissible to them is covered by the 'compensatory allowance'. The functions of the Committee are also of advisory nature. Hence, the Committee feel that the non-official members of the said State Advisory Committee *ought to be exempt* from disqualification.

*Mines Safety Equipment Advisory Board
(Ministry of Labour)*

2.9 The Committee note that the non-official members of the Mines Safety Equipment Advisory Board are entitled to T.A. and D.A. @ Rs. 49/- maximum. Payment, thus, admissible to them is covered by the 'compensatory allowance'. The functions of the Board are also advisory in nature. As such, the Committee feel that the non-official members of the Mines Safety Equipment Advisory Board *ought to be exempt* from disqualification.

Minimum Wages Advisory Board—(Ministry of Labour)

2.10 The Committee note that the non-official members of the Minimum Wages Advisory Board are entitled to T.A. and D.A. as admissible under the rules, payment of which is covered by the 'compensatory allowance'. The functions of the Board are also of advisory nature. Hence, the Committee feel that the non-official members of the Minimum Wages Advisory Board *ought to be exempt* from disqualification.

Central Advisory Committee under Beedi Workers Welfare Fund Act, 1976—(Ministry of Labour)

2.11 The Committee note that the non-official members of the Central Advisory Committee under the Beedi Workers Welfare Fund Act, 1976 are

not eligible for any kind of remuneration except T.A./D.A., payment of which is covered by the 'compensatory allowance'. The functions exercised by the Committee are also of advisory nature. As such, the Committee feel that the non-official members of the Central Advisory Committee under Beedi Workers Welfare Fund Act, 1976 *ought to be exempt* from disqualification.

Management Committee of Shree Siddhi Vinayak Ganapati Temple Trust of Prabhadevi, Dadar Bombay—(Maharashtra)

2.12 The Committee note that the members of the Ganapati Temple Trust Management Committee are paid only sitting fee @ Rs. 30/- per day, which is not covered by the 'compensatory allowance'. The Committee also exercises executive and financial powers, as the functions of the said Committee are to manage the properties and affairs of the Temple Trust and apply the income of the Trust for undertaking welfare activities for the public.

As such, the Committee feel that all the members (including the Chairman of the Management Committee of Shree Siddhi Vinayak Ganapati Temple Trust of Prabhadevi, Dadar, Bombay) are likely to incur disqualification for being chosen as and for being a member of either House of Parliament under Article 102 (1) (a) of the Constitution.

While arriving at the above decision, the Committee have taken note of the fact that in terms of Section 6 (2) of the Shree Siddhi Vinayak Ganapati Temple Trust (Prabhadevi) Act, 1980 (State Act), a member shall not be disqualified for being chosen as, or for being, member of the State Legislature, merely by reason of the fact that he is a member of the Committee or that he receives any honorarium, fee or allowances.

The Maharashtra Labour Welfare Board—(Maharashtra)

2.13 The Committee note that the non-official members of the Board are entitled to T.A. and D.A. as admissible to the first grade officer of the State Government and also to a sitting fee of Rs. 30/- per meeting. The payment of sitting fee is not covered by the definition of 'compensatory allowance'. The members of the Board also exercise executive and financial powers under the provisions of the Bombay Labour Welfare Fund Act, 1953. As such, the Committee feel that the non-official members of the Board *ought not to be exempt* from disqualification.

State Labour Advisory Board—(Maharashtra)

2.14 The Committee note that the official and non-official members of the Board are only entitled to T.A. and D.A. The functions of the Board

are purely of advisory nature. As such, the non-official members of the Board *ought to be exempt* from disqualification provided the payment made to them by way of T.A. and D.A. does not exceed the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959.

Committee to consider classification, nomenclature and gradation of factory employees in Sugar Industry and certain demands of employees employed in industries allied to the Sugar Industry (Maharashtra)

2.15 The Committee note that the official and non-official members of the Committee to consider classification, nomenclature and gradation of factory employees in Sugar Industry and certain demands of employees employed in industries allied to the Sugar Industry are eligible to draw T.A. and D.A. only and they do not get any other remuneration. The functions of the Committee are also of advisory nature. As such, the Committee feel that the non-official members *ought to be exempt* from disqualification provided the payment made to them by way of T.A. and D. A. does not exceed the 'compensatory allowance', as defined in Section 2 (S) of the Parliament (Prevention of Disqualification) Act, 1959.

Maharashtra Water Supply Sewerage Board—(Maharashtra)

2.16 The Committee note that the Chairman of Maharashtra Water Supply Sewerage Board is entitled to receive Rs. 2000/- as honorarium as well as T.A. and D.A. The payment of honorarium is not covered by the definition of 'compensatory allowance'. Non-official members of the Board are entitled to T.A. and D.A. and a sitting fee of Rs. 40/- per sitting. The payment of sitting fee to non-official members is also not covered by the 'compensatory allowance'. Besides, the Board exercises executive and financial powers. As such, the Committee feel that the non-official members (including the Chairman of the Board) *ought not to be exempt* from disqualification.

Land Acquisition Committee—(Maharashtra)

2.17 The Committee note that the non-official members of the Land Acquisition Committee are entitled to T.A. and D.A. as admissible to Government Officers. Since they are not paid any other kind of remuneration, it is presumed that the amount of T.A. and D.A. that is paid to them, will not be more than the 'compensatory allowance' as defined in Section 2(a) of Parliament (Prevention and Disqualification) Act, 1959.

The Committee also note that under Rule 5 of the Land Acquisition (Companies) Rules 1963 framed by the Central Government for the guidance

of States, the above Committee is required to advise the appropriate Government on all matters relating to, or arising out of, acquisition of land.

As the functions of the Land Acquisition Committee are mainly advisory in nature, the Committee feel that the non-official members of the Land Acquisition Committee (Maharashtra) *ought to be exempt* from disqualification provided they do not draw any remuneration which is not covered by the 'compensatory allowance'.

In this connection, the Committee also note that the Joint Committee on Offices of Profit (Third Lok Sabha) had examined a similar body in April, 1965, namely, the Land Acquisition Committee, Andhra Pradesh and they had recommended in their Third Report (Third Lok Sabha) that the composition and character of the body was such that membership thereof ought not to disqualify, *vide* para 10, p. 7 Appendix II, item 3 under State Governments.

State Law Commission—(Meghalaya)

2.18 The Committee note that the Vice-Chairmen of the Meghalaya Law Commission are entitled to an honorarium of Rs. 750/- per month and also a conveyance allowance of Rs. 450/- per month. The payment thus admissible to them, is not covered by the 'compensatory allowance'. Non-Official members are eligible to a sitting fee of Rs. 40/- and T.A. and D.A. as admissible to a senior grade Government Officer. The payment of sitting fee is not covered by the 'compensatory allowance'.

The Commission also exercises powers which may influence the Government in re-organisation of Courts, revision of laws and involvement of villagers in the administration of justice. Hence, the Committee feel that the non-official members of the Meghalaya State Law Commission *ought not to be exempt* from disqualification.

State Planning Board—(Meghalaya)

2.19 The Committee note that the Chairman of the State Planning Board is entitled to an honorarium of Rs. 1000/- per month besides T.A. and D.A., as admissible to a Cabinet Minister. The Deputy Chairman is also entitled to an honorarium of Rs. 750/- and House Rent Allowance of Rs. 350/- per month besides T.A. and D.A., as admissible to a Minister of State. Non-Official members are entitled to an honorarium of Rs. 250/- per month, a sitting fee of Rs. 75/- (Rs. 50/- for local members) and T.A. as admissible to a Grade I Government Officer. The payments of sitting fee and honorarium to non-official members are not covered by the 'compensatory

allowance'. Further, the powers exercised by the Board, though apparently of functional nature, are likely to lead to wielding of influence. As such, the Committee feel that the non-official members of the Board, *ought not to be exempt* from disqualification.

Board of Directors, Mawmluh-Cherra Cements Limited—(Meghalaya)

2.20 The Committee note that the Chairman is eligible for an honorarium of Rs. 750/- per month, a sitting fee of Rs. 100/- per sitting and T.A. The non-official Directors, other than the Chairman, are also entitled to a sitting fee of Rs. 100/- per sitting in addition to T.A. under the Company Rules. The payment of honorarium and sitting fee is not covered by the 'compensatory allowance', as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Board also exercises executive and financial powers as the control and management of the Company are vested in the Board. Hence, the Committee feel that the non-official Directors (including the Chairman) *ought not to be exempt* from disqualification.

The Meghalaya Tourism Development Corporation Limited—(Meghalaya)

2.21 The Committee note that the Chairman is entitled to draw an honorarium of Rs. 750/- per month which is not covered by the 'compensatory allowance'. The Chairman is also entitled to a sitting fee of Rs. 30/- besides T.A. and D.A. as admissible to a first grade officer. The payment of sitting fee and honorarium are not covered by the 'compensatory allowance', as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The rates of payment of T.A. and D.A. admissible to other non-official Directors have not been specifically indicated. However, the Corporation exercises executive and financial powers. As such, the Committee feel that the non-official Directors, including the Chairman, *ought not to be exempt* from disqualification.

State Level Fodder and Grassland Development Committee—(Meghalaya)

2.22 The Committee note that the Chairman of the State Level Fodder and Grassland Development Committee is entitled to draw an honorarium of Rs. 750/- per month and a conveyance allowance of Rs. 450/- per month. Non-official members of the said Committee are eligible for T.A. and D.A. only. The drawal of honorarium by the Chairman is not covered by the 'compensatory allowance', but the allowances drawn by other non-official members are covered by the 'compensatory allowance'.

The powers exercised by the Committee are purely advisory in nature and they do not exercise any executive powers or wield any influence or patronage. As such, the non-official members other than the Chairman of the State Level Fodder and Grassland Development Committee, *ought to be exempt* from disqualification. The Chairman of the aforesaid Committee, however, *ought not to be exempt* from disqualification in view of the monthly honorarium drawn by him.

Meghalaya State Social Welfare Board (Meghalaya)

2.23 The Committee note that the Chairman is entitled to an honorarium of Rs. 500/- per month in addition to T.A. and D.A. admissible under the State Rules. Other non-official members are eligible for T.A. and D.A. only. Thus, the remuneration drawn by the Chairman is not covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The other non-official members are entitled to T.A. and D.A. which are covered by the 'compensatory allowance'. However, the Board exercises executive powers. As such, the Committee feel that the non-official members, including the Chairman, of the Meghalaya State Social Welfare Board *ought not to be exempt* from disqualification. In this connection, the Committee also note that the Joint Committee on Offices of Profit (Fourth Lok Sabha), in their Fifth Report (Fourth Lok Sabha), para 13, had recommended disqualification of non-official members in the case of Central Social Welfare Board.

Board of Directors of Tura Co-operative Urban Bank Limited (Meghalaya)

2.24 The Committee note that the Chairman and Vice-Chairman of the Board of Directors of Tura Co-operative Urban Bank Limited are entitled to an honorarium of Rs. 200/- and 100/- per month, respectively. Besides, a sitting allowance of Rs. 25/- is also paid to a member per sitting. Other non-official members are also paid a sitting fee of Rs. 25/- per sitting. Thus, the amount of honorarium drawn by the Chairman and Vice-Chairman (both non-officials) and the sitting fee drawn by the Chairman and non-official members, are not covered by the 'compensatory allowance.'

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

Board of Directors of Meghalaya State Warehousing Corporation—(Meghalaya)

2.25 The Committee note that the non-official Directors of the Meghalaya State Warehousing Corporation are entitled to draw T.A. @ 50 paise

per mile and D.A. @ Rs. 20/- per day and a sitting fee of Rs. 30/- for each sitting of the Board. The payment of sitting fee is not covered by the 'compensatory allowance', as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

As the Board also exercises executive and financial powers, the Committee feel that the non-official Directors of the Meghalaya State Warehousing Corporation *ought not to be exempt* from disqualification.

In this connection, the Committee also note that the Joint Committee on Offices of Profit (Fifth Lok Sabha) which examined several State Warehousing Corporation, e.g. the Board of Directors, Haryana Warehousing Corporation, in their Nineteenth Report (Fifth Lok Sabha), para 13, p.3, had recommended that the non-official Directors nominated/appointed by Government *ought not to be exempt* from disqualification.

Administrative Council of the Meghalaya State Housing Financing Co-operative Society Limited—(Meghalaya)

2.26 The Committee note that the Chairman (a non-official) of the Administrative Council of the Meghalaya State Housing Financing Co-operative Society Limited is entitled to a conveyance allowance of Rs. 1000/- per month. Other non-official members are entitled to a sitting fee of Rs. 30/- in addition to T.A. and D.A. The payment of sitting fee is not covered by the 'compensatory allowance'. However, the Council exercises executive and financial powers and is also in a position to wield influence and patronage. The Committee feel that the non-official members, including the Chairman, of the Administrative Council of the Meghalaya State Housing Financing Co-operative Society Limited *ought not to be exempt* from disqualification.

*Board of Directors of the Jowai Co-operative Urban Bank Limited
—(Meghalaya)*

2.27 The Committee note that the Chairman of the Board of Directors of the Jowai Co-operative Urban Bank Limited is entitled to draw conveyance allowance amounting to Rs. 250/- per month. A sitting fee of Rs. 25/- per sitting is also payable to members in addition to Rs. 17.50 per day as T.A. to those who are residing outside the town and come to attend the meeting of the Board. The payment of sitting fee is not covered by the 'compensatory allowance.'

The Board of Directors, also exercises executive and financial powers. As such, the Committee feel that the non-official Directors including the Chairman of the Board *ought not to be exempt* from disqualification.

Working Group on Student Health Education—(Pondicherry)

2.28 The Committee note that the non-official members of the Working Group on Student Health Education, Pondicherry are entitled to draw T.A./D.A. as per Rules applicable to Grade I Officers which is covered by the 'compensatory allowance'. The functions of the working group are also mainly advisory in nature. As such, the Committee feel that the non-official members of the Working Group on Student Health Education *ought to be exempt* from disqualification.

Soil Survey and Land Use Board—(Pondicherry)

2.29 The Committee note that no remuneration is payable to the non-official members of the above Board. The functions of the Board are also mainly advisory in nature. As such, the Committee feel that the non-official members of the Soil Survey and Land Use Board, Pondicherry, *ought to be exempt* from disqualification.

State Names Authority—(Goa, Daman and Diu)

2.30 The Committee note that non-official members of the State Names Authority are entitled to draw T.A./D.A., as admissible under the Rules, which is covered by the 'compensatory allowance'. The functions of the Authority are also advisory in nature. As such, the Committee feel that the non-official members of the State Names Authority *ought to be exempt* from disqualification.

*Rehabilitation Committee for the Salauli Irrigation Project
—(Goa, Daman and Diu)*

2.31 The Committee note that the non-official members of the above Committee are entitled to draw T.A./D.A., as admissible under the Rules, which is covered by the 'compensatory allowance'. The functions of the Committee are advisory in nature. As such, the Committee feel that the non-official members of the Rehabilitation Committee for the Salauli Irrigation Project *ought to be exempt* from disqualification.

Land Acquisition Committee—(Goa, Daman and Diu)

2.32 The Committee note that non-official members of the Land Acquisition Committee, Goa, Daman and Diu are only entitled to draw T.A./D.A., as admissible to Government Officers under the Rules, which are covered by the 'compensatory allowance'.

The Committee also note that under Rule 3(5) of Land Acquisition (Companies) Rules, 1963, framed by the Central Government for the guidance

of States, the Land Acquisition Committee is required to advise the appropriate Government on all matters arising out of acquisition of land.

As the functions of Land Acquisition Committee are mainly advisory in nature, the Committee feel that the non-official members of the Land Acquisition Committee, Goa, Daman and Diu ought to be exempt from disqualification.

*Committee for study of Revision of Municipalities
Act, 1968—(Goa, Daman and Diu)*

2.33 The Committee note that the non-official members of the Committee for study of Revision of Municipalities Act, 1968, are entitled to T.A./D.A., as admissible under the Rules, which is covered by the 'compensatory allowance'. Besides, the functions of the Committee are mainly advisory in nature. As such, the Committee feel that the non-official members of the Committee for Study of Revision of Municipalities Act, 1968, ought to be exempt from disqualification.

NEW DELHI;

February 8, 1984

Magha 19, 1905 (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)

XXXVIII

(THIRTY-EIGHTH SITTING)

The Committee met on Friday, 15 July, 1983 from 1500 to 1600 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Krishna Chandra Halder
3. Shri Jamilur Rahman
4. Shri Rashid Masood
5. Shri N.K. Shejwalkar
6. Shri Nandi Yellaiiah

Rajya Sabha

7. Shri Syed Rahmat Ali
8. Shri Dinesh Goswami
9. Shri Robin Kakati
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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5. The Committee then took up for consideration 5 Memoranda (Nos. 156 to 160) relating to the following Committee/Boards etc. constituted by the Union Territory Administrations of Pondicherry and Goa, Daman and Diu.

*Working Group on Student Health Education, Pondicherry—
(Memorandum No. 156)*

6. The Committee noted that the non-official members of the Working Group on Student Health Education, Pondicherry were entitled to draw T.A./D.A. as per rules applicable to Grade I Officer which was less than the 'compensatory allowance'. The functions of the working group were also mainly advisory in nature. As such, the Committee felt that the non-official members of the Working Group on Student Health Education, Pondicherry *ought to be exempt* from disqualification.

*Soil Survey and Land Use Board, Pondicherry—
(Memorandum No. 157)*

7. The Committee noted that no remuneration was payable to the non-official members of the Committee. The functions of the Board were also mainly advisory in nature. As such, the Joint Committee felt that the non-official members of the Soil Survey and Land Use Board, Pondicherry *ought to be exempt* from disqualification.

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*State Names Authority, Goa Daman and Diu
(Memorandum No. 159)*

9. The Committee noted that non-official members of the Authority were entitled to draw T.A. and D.A. as admissible in the Rules which was less than the 'compensatory allowance'. The functions of the Authority were

also advisory in nature. As such, the Committee felt that the non-official members of the State Names Authority *ought to be exempt* from disqualification.

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11. *The Committee then adjourned.*

XXXIX

THIRTY-NINTH SITTING

The Committee met on Thursday, 18 August, 1983 from 1600 to 1645 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

Lok Sabha

2. Shri Ajitsinh Dabhi
3. Shri Krishna Chandra Halder
4. Shri Virdhi Chander Jain
5. Shri N.K. Shejwalkar

Rajya Sabha

6. Shri Dinesh Goswami
7. *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 10 Memoranda (Nos. 161, 162 and 165 to 172) relating to the following Committees/Boards etc. constituted by the State Governments and Union Territory Administration.

*Rehabilitation Committee for the Salauli Irrigation Project,
Goa, Daman and Diu—(Memorandum No. 161)*

3. The Committee noted that the non-official members of the Rehabilitation Committee were entitled to draw T.A./D.A., as admissible under the Rules, which was covered by the 'compensatory allowance'. The function of the Committee was advisory in nature. As such, the Committee felt that the non-official members of the Rehabilitation Committee for the Salauli Irrigation Project *ought to be exempt* from disqualification.

*Management Committee of Shree Siddhi Vinayak Ganapati Temple
Trust of Prabhadevi, Dadar, Bombay (Maharashtra)
(Memorandum No. 162)*

4. The Committee noted that the Members of the Ganapati Temple Trust Management Committee were paid only sitting fee @ Rs. 30/- per day, which was not covered by the 'compensatory allowance'. The Committee, however, exercised executive and financial powers, as the functions of the Committee were to manage the properties and affairs of the Temple Trust and apply the income of the Trust for undertaking welfare activities for the public.

As such, the Committee felt that all the members (including the Chairman) were likely to attract disqualification for being chosen as, and for being, a member of either House of Parliament under Article 102(b)(a) of the Constitution.

5. While arriving at the above decision, the Committee had taken note of the fact that in terms of Section 6(2) of the Shree Siddhi Vinayak Ganapati Temple Trust (Prabhadevi) Act, 1980 (State Act), a member shall not be disqualified for being chosen as, or for being, a member of the State Legislature, merely by reason of the fact that he was a member of the Committee or that he received any honorarium, fee or allowances.

State Law Commission (Meghalaya)—(Memorandum No. 165)

6. The Committee noted that the Vice-Chairman of the Meghalaya Law Commission were entitled to an honorarium of Rs. 750/- and also a conveyance allowance of Rs. 450/- per month. The payment thus admissible to him did not come within the ambit of 'compensatory allowance.' Non-official members were eligible to a sitting fee of Rs. 40/- and T.A./D.A. as admissible to a senior grade Government officer (exact rate not mentioned). The payment of sitting fee is not covered by the 'compensatory allowance'.

The Commission also exercised powers which might influence the Government in re-organization of Courts, revision of Laws and involvement of villagers in the administration of justice. Hence, the Committee felt that the non-official members ought not to be exempt from disqualification.

State Planning Board (Meghalaya)—(Memorandum No. 166)

7. The Committee noted that the Chairman of the State Planning Board was entitled to an honorarium of Rs. 1000/- per month besides T.A./D.A. as admissible to a Cabinet Minister. The Deputy Chairman was also

entitled to an honorarium of Rs. 750/- and H.R.A. Rs. 350/- per month besides T.A./D.A. as admissible to a Minister of State. Non-official members were entitled to an honorarium of Rs. 250/- per month and a sitting fee of Rs. 75 (Rs. 50/- for local members) and T.A. as admissible to a Grade I Government Officer. The remuneration thus drawn by the non-official members were more than the 'compensatory allowance', and drawal of honorarium did not come within the ambit of 'compensatory allowance'. Further, the powers exercised by the Board, though of functional nature only, might lead to wielding of influence. As such, the Committee felt that the non-official members of the Board, *ought not to be exempt* from disqualification.

*Board of Directors Mawmluh-Cherra Cements Limited (Meghalaya)—
(Memorandum No. 167)*

8. The Committee noted that the Chairman was eligible for an honorarium of Rs. 750/-, a sitting fee of Rs. 100/- and TA. The non-official Directors other than Chairman were also entitled to Rs. 100/- per sitting in addition to T.A. under Company Rules. The drawal of honorarium and sitting fee were not covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Board also exercised executive and financial powers as the control and management of the Company were vested on the Board. Hence, the Committee felt that the non-official Directors (including the Chairman) *ought not to be exempt* from disqualification.

*The Meghalaya Tourism Development Corporation Limited—
(Memorandum No. 168)*

9. The Committee noted that the Chairman was entitled to draw an honorarium of Rs. 750/- which was not covered by the 'compensatory allowance'. Chairman was also entitled to a sitting fee of Rs. 30/- plus T.A./D.A. admissible to a first grade officer. The payment admissible to him thus exceeded the amount admissible under 'compensatory allowance', as defined in section 2(a) of the Parliament (Prevention and Disqualification) Act, 1959. The rate of payment of T.A./D.A. admissible to other non-official Directors had not been specifically indicated. However, the Corporation exercised executive and financial powers. As such, the Committee felt that the non-official Directors including the Chairman, *ought not to be exempt* from disqualification.

*State Level Fodder and Grassland Development Committee (Meghalaya—
(Memorandum No, 169)*

10. The Committee noted that the Chairman of the Board was entitled to draw an honorarium of Rs. 750/- per month, and a conveyance allowance of Rs. 450/- per month. Non-official members of the Committee

were eligible for TA/DA only. The emoluments drawn by the Chairman did not come within the ambit of 'compensatory allowance' but the allowances drawn by other non-official members were covered by the 'compensatory allowance'.

The powers exercised by the Committee were purely advisory in nature and they did not exercise any executive power or wield any power of influence or patronage. As such, the *non-official members* other than the Chairman of the Board *ought to be exempt* from disqualification. The Chairman of the Board, however, *ought not to be exempt* from disqualification in view of the monthly honorarium and conveyance allowance drawn by him.

Meghalaya State Social Welfare Board (Meghalaya)—(Memorandum No. 170)

11. The Committee noted that the Chairman was entitled to an honorarium of Rs. 500/- per month in addition to TA and DA admissible under the State Rules. Other non-official members were eligible for TA/DA only. Thus, the remuneration drawn by the Chairman was not covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of disqualification) Act, 1959. The other non-official members were entitled to TA and DA which were covered by the 'compensatory allowance'. However, the Board exercised executive powers to carry out its functions. As such, the Committee felt that the non-official members *ought not to be exempt* from disqualification. In this connection, the Committee also noted that the Joint Committee on Offices of Profit (Fourth Lok Sabha) in the case of Central Social Welfare Board, had also recommended disqualification of non-official members *vide* their Fifth Report (4LS), para 13, p. 3.

The Maharashtra Labour Welfare Board (Maharashtra)—(Memorandum No. 171)

12. The Committee noted that the non-official members of the Board were entitled to TA and DA as admissible to the first grade officer of the State Government and also a sitting fee of Rs. 30/- per meeting. The drawal of sitting fee was not covered by the 'compensatory allowance'.

The members of the Board also exercised executive and financial powers under the provisions of the Bombay Labour Welfare Fund Act, 1953. As such, the Committee felt that the non-official Members of the Board *ought not to be exempt* from disqualification.

State Labour Advisory Board (Maharashtra)—(Memorandum No. 172)

13. The Committee noted that the Official and non-official members of the Board were only entitled to TA and DA. The functions of the Board were purely of an advisory nature. As such, non-official members of the Board *ought to be exempt* from disqualification provided the payment made to them by way of TA/DA did not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of disqualification) Act, 1959.

14. The Committee thereafter, considered their future programme of work and decided to hold their next sittings* on Thursday, 8 September, 1983 at 12.00 hours and on Friday, 9 September, 1983 at 15.00 hours. The Committee also decided to hold the next sitting of the Sub-Committee on Monday, 19 September, 1983 at 15.00 hours.

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The Committee then adjourned.

*As decided by the Chairman subsequently, the next sitting would now be held on Saturday, 24 September and Monday, 26 September, 1983 at 11.00 hours respectively *instead of* 8 and 9 September, 1983. The next sitting of Sub-Committee would now be held on 16 September, 1983 at 15.00 hours *instead of* 19 September, 1983. Revised notices of sittings had since been issued accordingly.

XL

FORTIETH SITTING

The Committee met on Saturday, 24 September, 1983 from 11.00 to 12.00 hours.

PRESENT

Shri Gulsher Ahmed — *Chairman*

MEMBERS

Lok Sabha

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

Rajya Sabha

8. Shri Syed Rahmat Ali
9. Shri Robin Kakati
10. Shri Lakhon Singh
11. Shri Ram Bhagat Paswan

SECRETARIAT

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

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

2. The Committee took up for consideration Memoranda Nos. 173 to 182 relating to the following Committees/Boards/Councils etc. constituted by the Central and States Governments :

Committee to consider classification, nomenclature and gradation of factory employees in Sugar Industry and certain demands of employees employed in industries allied to the Sugar industry (Maharashtra)—(Memorandum No. 173)

3. The Committee noted that the official and non-official members of the Committee to consider classification, nomenclature and gradation of

factory employees in sugar industry and certain demands of employees employed in industries allied to the Sugar Industry (Maharashtra) were eligible to draw TA/DA only and they did not get any other remuneration. The functions of the Committee were also of an advisory nature. As such, the Committee felt that the non-official members *ought to be exempt from disqualification* provided the payment made to them by way of TA/DA did not exceed the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

Maharashtra Water Supply Sewerage Board (Maharashtra)—(Memorandum No. 174)

4. The Committee noted that the Chairman of Maharashtra Water Supply Sewerage Board (Maharashtra) was entitled to receive Rs. 2000/- as honorarium as well as TA/DA. The payment of honorarium was not covered under the definition of 'compensatory allowance'. Non-official members were entitled to TA/DA and a sitting allowance of Rs. 40/- per sitting. The payment of sitting fee was not covered by the 'compensatory allowance'.

The Board also exercised executive and financial powers. As such, the Committee felt that the non-official members (including Chairman) of the Board *ought not to be exempt* from disqualification.

Board of Directors of Tura Co-operative Urban Bank Limited (Meghalaya) (Memorandum No. 175)

5. The Committee noted that the Chairman and Vice-Chairman of the Board of Directors of Tura Co-operative Urban Bank Limited (Meghalaya) were entitled to an honorarium of Rs. 200/- and 100/- respectively. Besides, a sitting allowance of Rs. 25/- was also paid to a member per sitting. Other non-official members were also paid a sitting fee of Rs. 25/- per sitting. Thus, the amount of honorarium drawn by the Chairman and Vice-Chairman (both non-officials) and the sitting fee drawn by the Chairman and non-official members were not covered by the 'compensatory allowance'.

The Board of Directors also exercised executive and financial powers. As such, the Committee felt that the non-official Directors of the Board *ought not to be exempt* from disqualification.

Board of Directors of Meghalaya State Warehousing Corporation (Meghalaya)—(Memorandum No. 176)

6. The Committee noted that the non-official Directors of the Meghalaya State Warehousing Corporation were entitled to draw TA @ 0.50 paise per mile and DA @ Rs. 20/- per day and a 'sitting fee' of Rs. 30/- for each sitting of the Board. The payment of sitting fee was not covered by the

'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

As the Board also exercised executive and financial powers, the Committee felt that non-official Directors of the Meghalaya State Warehousing Corporation *ought not to be exempt* from disqualification.

In this connection, the Committee also noted that the Joint Committee on Offices of Profit (Fifth Lok Sabha) had examined several State Warehousing Corporations, e.g. the Board of Directors, Haryana Warehousing Corporation *vide* their Nineteenth Report (5LS), para 13 and had recommended that the non-official Directors nominated/appointed by Government *ought not to be exempt* from disqualification.

(i) *Standing Committee* ; (ii) *Executive Council of Indian Institute of Mass Communication Society (Ministry of Information and Broadcasting)*—(Memorandum No. 178)

7. The Committee noted that the non-official members of (i) Standing Committee ; and (ii) Executive Council of Indian Institute of Mass Communication Society were entitled to TA and DA @ Rs. 50/- per day for attending the meeting. The local members were entitled to conveyance allowance @ Rs. 25/- per sitting only. The payment, thus, admissible was covered by the 'compensatory allowance'. The functions of the (i) Executive Council and (ii) Standing Committee were, however, executive and financial in nature. As such, the Committee felt that the non-official members of the (i) Executive Council and (ii) Standing Committee of the Indian Institute of Mass Communication Society *ought not to be exempt* from disqualification.

Central Advisory Board on Child Welfare (Ministry of Labour)
—(Memorandum No. 178)

8. The Committee noted that the non-official members of the Central Advisory Board on Child Welfare were entitled to only TA and DA (maximum rate Rs. 49/- per day), payment of which was covered by the 'compensatory allowance'. The functions of the Board were advisory in nature. As such, the Committee felt that the non-official members of the Central Advisory Board on Child Welfare *ought to be exempt* from disqualification.

Editorial Board for Kurukshetra Journal, (Ministry of Information and Broadcasting)—(Memorandum No. 179)

9. The Committee noted that no remuneration was paid to the non-official members of the Editorial Board of Kurukshetra Journal. The functions of the Board were to guide the editorial policy of the journal and to

suggest improvement in the contents of Kurukshetra and, thus, these were advisory in nature. As such, the Committee felt that the non-official members of the Editorial Board for Kurukshetra Journal *ought to be exempt* from disqualification.

Administrative Council of the Meghalaya State Housing Financing Co-operative Society Limited—(Memorandum No. 180)

10. The Committee noted that the Chairman (a non-official) of the Administrative Council of the Meghalaya State Housing Financing Co-operative Society Limited was entitled to a 'conveyance allowance of Rs. 1000/- per month. Other non-official members were entitled to a sitting fee of Rs. 30/- in addition to TA and DA (exact rates not given). The payment of sitting fee was not covered by the 'compensatory allowance'. However, the Council exercised executive and financial powers and was also in a position to wield influence and patronage. The Committee felt that the non-official members, including the Chairman, of the Administrative Council of the Meghalaya State Housing Financing Co-operative Society Limited *ought not to be exempt* from disqualification.

Board of Directors of the Jowai Co-operative Urban Bank Limited (Meghalaya)—(Memorandum No. 181)

11. The Committee noted that the Chairman of the Board of Directors of the Jowai Co-operative Urban Bank Limited Meghalaya was entitled to draw 'conveyance allowance amounting to Rs. 250/- per month. A sitting fee of Rs. 25/- per sitting was also payable to members in addition to Rs. 17.50 per day as TA to those who were residing outside the town and came to attend the meeting of the Board. The payment of sitting fee was not covered by the 'compensatory allowance'.

The Board of Directors, however, exercised executive and financial powers. As such, the Committee felt that the non-official Directors including the Chairman of the Board *ought not to be exempt* from disqualification.

Central Implementation and Evaluation Committee (Ministry of Labour)—(Memorandum No. 182)

12. The Committee noted that the non-official members of the Central Implementation and Evaluation Committee were entitled to actual TA only

as admissible to Grade I Officers of Government and no other remuneration was payable to them. The payment, thus, admissible to them was 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 of the Committee *ought to be exempt* from disqualification.

*The Committee then adjourned to meet again on Monday,
26 September, 1983 at 11.00 hours.*

XLI

FORTY-FIRST SITTING

The Committee met on Monday, 26 September, 1983 from 11.00 to 11.45 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Jamilur Rahman—*in the Chair*

MEMBERS

Lok Sabha

2. Shri Krishna Chandra Halder
3. Shri Virdhi Chander Jain
4. Shri S.A. Dorai Sebastian

Rajya Sabha

5. Shri Syed Rahmat Ali
6. Shri Robin Kakati
7. Shri Lakhan Singh

SECRETARIAT

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

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

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

3. The Committee then took up for consideration memoranda Nos. 183 to 192 relating to the following Committees, Boards constituted by the Central Government, State Governments and Union Territory Administration.

*Central Standing Committee on Rural unorganised Labour
(Ministry of Labour)—(Memorandum No. 183)*

4. The Committee noted that the non-official members of the Central

Standing Committee on Rural Unorganised Labour were only entitled for TA/DA. No other remuneration was payable to them. The amount drawn by them was, thus, covered by the 'compensatory allowance'.

The functions of the Committee were purely advisory. The Committee, therefore, felt that the non-official members *ought to be exempt* from disqualification.

Land Acquisition Committee (Maharashtra)—(Memorandum No. 184)

5. The Committee noted that the non-official members of the Land Acquisition Committee (Maharashtra) were entitled to TA and DA (exact rate not given) as admissible to Government Officers. Since they did not draw any other kind of remuneration, it appeared that the amount of TA and DA would not be more than the 'compensatory allowance' as defined in Section 2(a) of Parliament (Prevention and Disqualification) Act, 1959.

6. The Committee also noted that under Rule 5 of the Land Acquisition (Companies) Rules 1963 framed by the Central Government for the guidance of States, the Land Acquisition Committee was required to advise the appropriate Government on all matters relating to, or arising out of, acquisition of land.

As the functions of land Acquisition Committee were mainly advisory in nature, the Committee felt that the non-official members of the Land Acquisition Committee *ought to be exempt* from disqualification provided they did not draw remuneration which was not covered by the 'compensatory allowance'.

7. In this connection, the Committee also noted that the Joint Committee on Offices of Profit (Third Lok Sabha) had examined a similar body, namely, Land Acquisition Committee, Andhra Pradesh and recommended that the composition and character of the body was such that membership thereof ought not to disqualify [Third Report (Third Lok Sabha), paragraph 16, Appendix II, item 3 under State Governments, page 7].

Land Acquisition Committee Goa, Daman and Diu—(Memorandum No. 185)

8. The Committee noted that non-official members of the Land Acquisition Committee, Goa, Daman and Diu were only entitled to draw TA and DA as per rules admissible to Government Officers, which were covered by the 'compensatory allowance'.

9. The Committee also noted that under Rule 5 of Land Acquisition (Companies) Rules, 1963 framed by the Central Government for the guidance of States the Land Acquisition Committee was required to advise the appropriate Government on all matters arising out of acquisition of land.

As the functions of the Land Acquisition Committee were mainly advisory in nature, the Committee felt that the non-official members of the Land Acquisition Committee, Goa, Daman and Diu ought to be exempt from disqualification.

Central Advisory Committee under Equal Remuneration Act, 1976 (Ministry of Labour, Government of India)—(Memorandum No. 186)

10. The Committee noted that the non-official members of the Central Advisory Committee under Equal Remuneration Act, 1976 were entitled to TA/DA only which was covered by the 'compensatory allowance'. No other remuneration was payable to the non-official members of the Committee.

The functions of the Committee were also of advisory nature. Hence, the Committee felt that non-official members, ought to be exempt from disqualification.

*State Advisory Committee of Madhya Pradesh, Maharashtra and Union Territory of Goa, (Ministry of Labour, Government of India)—
(Memorandum No. 187)*

11. The Committee noted that the non-official members of the State Advisory Committee of Madhya Pradesh, Maharashtra and Union Territory of Goa for the administration of the Limestone and Dolomite Labour Welfare Act, 1972 were entitled to TA and DA @ Rs. 49/- maximum. Payment, thus, admissible to them was covered by the 'compensatory allowance'. The functions discharged by the Committee were also of advisory nature. Hence, the Committee felt that the non-official members thereof ought to be exempt from disqualification.

Mines Safety Equipment Advisory Board (Ministry of Labour, Government of India) —(Memorandum No. 188)

12. The Committee noted that the non-official members of the Mines Safety Equipment Advisory Board were entitled to TA and DA @ Rs. 49/- maximum. Payment, thus, admissible to them was covered by the 'compensatory allowance'. The functions of the Board were also advisory in nature. As such, the Committee felt that the non-official members ought to be exempt from disqualification.

Committee for study of Revision of Municipalities Act, 1968, Goa, Daman and Diu—(Memorandum No. 189)

13. The Committee noted that the TA/DA admissible to the non-official members of the Committee for study of Revision of Municipalities

Act, 1968, Goa, Daman and Diu was covered by the 'compensatory allowance'. Besides, 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.

Central Advisory Board for Commercial Broadcasting Service (Ministry of Information and Broadcasting) — (Memorandum No. 190)

14. The Committee noted that the non-official members of the Central Advisory Board for Commercial Broadcasting Service were entitled to draw TA/DA in accordance with the orders of the Government from time to time, which was covered by the 'compensatory allowance'. The functions of the Board were advisory in nature. As such the Committee felt that the non-official members of the Board *ought to be exempt* from disqualification.

*Minimum Wages Advisory Board (Ministry of Labour)—
(Memorandum No. 191)*

15. The Committee noted that the non-official members of the Minimum Wages Advisory Board were entitled to TA and DA as admissible under the rules and those were covered by the 'compensatory allowance'. The functions of the Board were also of advisory nature. Hence, the Committee felt that the non-official members of the Board *ought to be exempt* from disqualification.

Central Advisory Committee under Beedi Workers Welfare Fund Act (Ministry of Labour)—(Memorandum No. 192)

16. The Committee noted that the non-official members of the Central Advisory Committee under the Beedi Workers Welfare Fund Act, 1976 were not eligible for any kind of remuneration except TA/DA, payment of which was covered by the 'compensatory allowance'.

The functions exercised by the Committee were of advisory nature. The Committee felt that the non-official members, therefore, *ought to be exempt* from disqualification.

17. The Committee there after considered their future programme of work and decided to hold their next sitting on 6 October, 1983.

The Committee then adjourned.

LI

FIFTY-FIRST SITTING

The Committee met on Wednesday, 8 February, 1984 from 1500 to 1530 hours.

PRESENT

Shri Gulsher Ahmed—*Chairman*

MEMBERS

Lok Sabha

2. Shri Harish Kumar Gangwar
3. Shri Krishna Chander Halder
4. Shri Viridi Chander Jain
5. Shri Jamilur Rahman
6. Shri N.K. Shejwalker

Rajya Sabha

7. Shri Dinesh Goswami
8. Shri Robin Kakati
9. Shri Lakhan Singh
10. Shri Ram Bhagat Paswan

SECRETARIAT

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

2. The Committee considered their draft Eighth Report and adopted it.

3. The Committee decided that the Eighth Report might be presented to Lok Sabha on 6 March, 1984 and a copy thereof laid on the Table of Rajya Sabha on the same day.

4. The Committee authorised the Chairman, and in his absence, Shri Jamilur Rahman, M.P. to present the Report to Lok Sabha on their behalf.

5. The Committee also authorised Shri Robin Kakati, M.P. and in his absence, Shri Lakhan Singh, M.P. to lay the Report on the Table of Rajya Sabha.

The Committee then adjourned.