

# JOINT COMMITTEE ON OFFICES OF PROFIT

## THIRD REPORT

(TENTH LOK SABHA)



21 DEC 1992

*Presented to Lok Sabha on ~~November, 1992~~*

*Laid in Rajya Sabha on ~~November, 1992~~*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*November, 1992/Kartika, 1914 (Saka)*

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**JOINT COMMITTEE ON OFFICES OF PROFIT**  
**(TENTH LOK SABHA)**  
**COMPOSITION OF THE COMMITTEE**

Shri Chiranji Lal Sharma — *Chairman*

**MEMBERS**

*Lok Sabha*

2. Prof. Susanta Chakraborty
3. Shri Harisinh Pratapsinh Chavda
- \*4. Shri Mohan S. Delkar
5. Shri Dau Dayal Joshi
6. Shri D.K. Naikar
7. Shri Ram Chandra Rath
8. Shri Roshan Lal
9. Shri Thota Subba Rao
- \*\* 10. Shri S.B. Thorat

*Rajya Sabha*

11. Shri E. Balanandan
- \*\*\* 12. Shri Shiv Pratap Mishra
- @ 13. Shri Som Pal
- \*\*\* 14. Shri S.K.T. Ramachandran
15. Shri Subramanian Swamy

**SECRETARIAT**

1. Shri G.L. Batra — *Additional Secretary*
2. Shri S.C. Gupta — *Joint Secretary*
3. Shri R.K. Chatterjee — *Deputy Secretary*
4. Shri Ram Kumar — *Under Secretary*

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\*Elected on 5.12.1991 vice Shri C.K. Kuppaswamy resigned w.e.f. 13.11.1991.

\*\*Elected on 30.4.1992 vice Shri Mukul Wasnik resigned w.e.f. 7.4.1992.

\*\*\*Elected on 12.8.1992 vice Smt. Kailashpati and Shri Santosh Kumar Sahu resigned.

@Re-elected on 12.8.1992.

# **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 Third Report of the Committee.

1.2 The matters covered by the Report were considered by the Committee at their sittings held on 4 and 28 August and 14 and 29 September, 1992. Minutes of these sittings form part of the Report and are at Appendix.

1.3 The Committee examined the composition, character, functions etc. of 20 Committees/Bodies etc. constituted by the Central and State Governments and the emoluments and allowances payable to their members, non-official Directors, Chairmen etc. with a view to consider whether holders of office on these bodies would incur disqualification under Article 102 of the Constitution of India.

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 Ministers/Departments of the Central Government and the State Governments.

1.5 The Committee considered and adopted the Report at their sitting held on 5 November, 1992.

1.6 The Committee wish to express their thanks to the Ministries/Departments of the Central and State Governments for furnishing the information desired by the Committee.

## II

### NOMINATION OF MEMBERS OF PARLIAMENT TO STATE/ CENTRAL BODIES

#### *Nomination of Shrimati Vasundhara Raje, M.P. as Member of the Rajasthan State Environment Control Board, Jaipur*

2.1. The Committee considered the request of the Government of Rajasthan who had sought approval of the Speaker, Lok Sabha for nomination of Smt. Vasundhara Raje, M.P. as Member of the Rajasthan State Environment Control Board, Jaipur.

2.2 The main functions of the Board were to advise the State Government on comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State besides evolving methods for utilisation of sewage and suitable trade effluents in agriculture. Thus, the functions of the Board were purely advisory in nature.

2.3 The Committee noted in this connection that the non-official members of the Board were paid a sitting allowance of Rs. 50/- per sitting in addition to TA/DA as admissible to officers of category 'A' of the State Government and Rs. 30/- as D.A. In this connection, the Committee noted that in case of Vindhya Pradesh Legislative Assembly (ELR-Vol.IV, p. 422), the Chief Election Commissioner held that if consideration was paid in the shape of 'sitting fee' or 'attendance fee' not being daily allowance, it became profit inasmuch as it did not purport to cover any actual expenses.

2.4. In this context, the Joint Committee on Offices of Profit (Seventh Lok Sabha) in their Tenth Report, had taken the view that an office, to which any 'sitting fee', 'honorarium' or 'salary' was attached, was to be treated as remuneration other than the 'compensatory allowance' and as such that office should not be exempted from disqualification.

2.5 The Committee, therefore, recommended that the non-official members of the Rajasthan State Environment Control Board should not be exempted from disqualification.

#### *Nomination of Shri Maheshwar Singh, M.P. (Rajya Sabha) as a Member of the State Level National Integration Committee, Shimla, Himachal Pradesh*

2.6 The Committee considered the request of the Government of Rajasthan who had sought approval of the Chairman, Rajya Sabha, for nomination of Shri Maheshwar Singh, Member of Rajya Sabha, as a

Member of State Level National Integration Committee, Himachal Pradesh.

2.7 The Committee noted that the non-official members of the State Level National Integration Committee were entitled to TA/DA as per rules prescribed by the State Government. The payment of TA/DA was covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

2.8 The main functions of the Committee was to promote policies of the National Integration which was purely advisory in character.

2.9 The Committee were, therefore, of the view that nomination of Shri Maheshwar Singh, M.P. or any other non-official member on the said Committee in no way come within the purview of office of profit and it *should be exempted* from disqualification. The Rajya Sabha Secretariat from whom the reference was received, were informed accordingly.

*Proposal to appoint Shri Maheshwar Singh, M.P.(RS) as a Member of District Level Antodaya Development and Public Grievances Redressal Committee, Himachal Pradesh.*

2.10 The Committee considered the proposal regarding appointment of Shri Maheshwar Singh, M.P.(RS) as member of the District Level Antodaya Development and Public Grievances Redressal Committee, Himachal Pradesh, Shimla.

2.11 The Committee noted that the non-official members of the said Committee were paid TA/DA at the rates admissible by the State Government. As such, the payment of TA/DA was covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee were to advise the Government to review the matters relating to procurement, distribution of essential commodities, Antodaya Programme and other development works. Thus the functions were advisory in nature.

2.12 The Committee, therefore, recommended that non-official members (including members of Parliament) *should be exempted* from disqualification for being chosen as or for being a member of Parliament. The Rajya Sabha Secretariat from whom the reference was received were informed accordingly.

*Proposal to appoint Shri Jaswant Singh, M.P. as Chairman of Rajasthan State Industrial Development Investment Corporation.*

2.13 The Committee considered the proposal regarding appointment of Shri Jaswant Singh, M.P. as Chairman of Rajasthan State Industrial Development Investment Corporation.

2.14 The Committee noted that non-official Directors (including Chairman) of the Rajasthan State Industrial Development and Investment

Corporation were entitled to a 'sitting fee' of Rs. 100/- per meeting in addition to TA/DA. In this connection, the Committee noted that in case of Vindhya Pradesh Legislative Assembly (ELR-Vol.IV p. 422) the Chief Election Commissioner held that if consideration was paid in the shape of a 'sitting fee' or 'attendance fee' not being daily allowance it became profit inasmuch as it did not purport to cover any actual expenses.

2.15 The Committee also noted that the main functions of the Corporation were to develop and promote, establish and execute industries, projects for manufacture and production of goods, plant, machinery, tools, implements etc. for industrial development of Rajasthan. The Corporation would also grant or guarantee loans or advances to any industrial concerns viz. public and private limited companies, partnership firms, Joint Hindu family concerns and cooperative societies etc. to enable it to undertake and start new industry approved by the Company. As such, the Corporation exercised both executive and financial powers.

2.16 The Committee observed that in a similar case during Seventh Lok Sabha when they recommended that the non-official Directors of the Board of Directors of the Pondicherry Industrial Promotion, Development and Investment Corporation Limited ought not to be exempted from disqualification. Again during Eighth Lok Sabha, in their Ninth Report, the Joint Committee considered the case of Goindwal Industrial and Investment Corporation of Punjab Limited (Punjab) and recommended that non-official members of the said Corporation should not be exempted from disqualification for being chosen as or for being a member of Parliament.

**2.17 The Committee were, therefore, of the opinion that the non-official Directors (including the Chairman) *should not be exempted* from disqualification for being chosen as or for being a Member of Parliament.**

### III

## INCURRING OF DISQUALIFICATION BY NON-OFFICIAL MEMBERS ON STATE/CENTRAL BODIES

### *Committee of Indian Statistical Institute, Ministry of Planning*

3.1 The Committee note that non-official members of the Committee of Indian Statistical Institute are entitled for TA/DA as per rules of the State Government. No other remuneration is paid to them. The payment of TA/DA are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee is to finalise the programme of work (both plan and non-plan) for the Institute and recommend the financial estimates for paying grant-in aid to the Indian Statistical Institute. As such, the functions of the committee by an large are advisory in nature.

**3.2 The Committee are of the view that the non-official members of the Committee of Indian Statistical Institute should be exempted from disqualification.**

### *Standing Committee for improvement of Statistics on Women & Children, Ministry of Planning*

3.3 The Committee note that the non-official members of the Standing Committee for Improvement of Statistics on Women and children will be entitled to TA/DA as admissible to Grade I officers of the Government of India which is covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Committee is to review the existing data and to identify new data in order to strengthen the perception of economic and social status of women and children. Thus, the functions are only advisory in nature.

**3.4 The Committee recommend that the non-official members of the Committee should be exempted from disqualification for being chosen as or for being a member of Parliament.**

### *Hindi Advisory Committee, Ministry of Law, Justice & Company Affairs*

3.5 The Committee note that the non-official members of the Hindi Advisory Committee are paid only TA and DA which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Committee is to advise the Government in regard to implementation of the



policies laid down by the Central and Hindi Advisory Committees for the use of Hindi for official purposes. The functions being advisory in nature.

3.6 In this connection, the Committee also noted that Joint Committee on Offices of Profit (Seventh Lok Sabha) in their 3rd and 4th Report had recommended that non-official members of Hindi Advisory Committees of Ministry of Planning and Railways should be exempted from disqualification.

**3.7 The Committee are of the view that the non-official members of the said committees should be exempted from disqualification for being chosen as or for being a Member of Parliament.**

*Research Advisory Panels for Agriculture, Food, Nuclear Medicine and Allied Sciences, Electro-Medical Research, Ministry of Defence*

3.8 The Committee note that the non-official members of the Research Advisory Panels are paid TA / DA as admissible under Government Rules which are covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the panels are to examine and recommend research proposals and to conduct periodic review of the projects. As such, the functions are only advisory in nature.

**3.9 The Committee recommend that the non-official members of the Research Advisory Panels should be exempted from disqualification.**

*Maharashtra State Haj Committee, Maharashtra*

3.10 The Committee note that the non-official members of the Maharashtra State Haj Committee are entitled to draw TA / DA as per rules of the State Government 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 Committee being mainly to assist the pilgrims and to advise them on matters relating to Haj Pilgrimage are advisory in nature.

3.11 In a similar case of the Haj Committee Rajasthan, the Joint Committee on Offices of Profit (Seventh Report—Eighth Lok Sabha) recommended that non-official members should be exempted from disqualification.

**3.12 The Committee are of the view that the non-official members of the said Haj Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.**

*District Nehru Rozgar Yojana Committee for Nehru Rozgar Yojana, Dadra and Nagar Haveli*

3.13 The Committee note that the members of the District Nehru Rozgar Yojana Committee including the non-official members are not paid any remuneration. The main function of the Committee is to play a significant role in the implementation of the Nehru Rozgar Yojana which is

targetted towards the Urban poor people. The entire fund for the scheme is released by the Government of India under the centrally sponsored programme. The Committee do not enjoy any executive or financial powers.

**3.14 The Committee recommend that the non-official members of the Committee should be exempted from disqualification.**

*Union Territory Level Co-ordination Committee on Jawahar Rozgar Yojana, Dadra & Nagar Haveli*

3.15 The Committee is set up for introducing speedy and effective measures for implementation of Jawahar Rozgar Yojana in Dadra and Nagar Haveli. The Committee note that its non-official members are not paid any remuneration. The Committee do not carry any executive, legislative or judicial powers. The fund at the disposal of the Committee is entirely released by the Government of India and is distributed as per prescribed norms.

**3.16 The Committee recommend that the non-official members of the Committee from should be exempted from disqualification.**

*Union Territory Level Coordination Committee for Integrated Rural Development Programme, Dadra & Nagar Haveli*

3.17 The Committee note that the non-official members of the Committee are not paid any remuneration. The main function of the Committee is to approve and sanction block plans and provide coordination, supervision etc. in the implementation of the Integrated Rural Development Programme. The Committee do not exercise any executive, legislative or judicial powers. Thus, the functions of the Committee are advisory in nature.

**3.18 The Committee are of the view that the non-official members of the Committee should be exempted from disqualification.**

*Planning Board for the Union Territory of Daman & Diu and Dadra & Nagar Haveli*

3.19 The Committee note that the non-official members of the Planning Board for the Union Territory of Daman and Diu and Dadra and Nagar Haveli are not paid any remuneration. The main function of the Board is to provide guidance in proper implementation of Plan Programmes. Thus, the Board is purely advisory in nature.

**3.20 The Committee recommend that the non-official members should be exempted from disqualification.**

*District Level Road Safety Committee for the Union Territory of Dadra and Nagar Haveli*

3.21 The Committee note that the non-official members of the District Level Road Safety Committee for the Union Territory of Dadra and Nagar Haveli are not paid any remuneration/allowances. The Committee shall

prepare action plan and suggest ways and means to implement Road Safety Measures in Dadra and Nagar Haveli. The Committee do not exercise any financial or executive powers. Thus, the Committee is purely an advisory one.

**3.22 The Committee recommend that the non-official members of the Committee should be exempted from disqualification.**

*Board of Directors, Mizoram State Cooperative Union, Mizoram, Aizawl*

3.23 The Committee note that the non-official members of the Mizoram State Cooperative Union are paid DA at the rate of Rs. 40/- per day for attending the meeting of the Board which is covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Union are to formulate schemes for imparting education to the members of the Cooperative Institution and to ensure proper cooperative development. The Committee feel that the functions of the said Union are advisory in nature.

**3.24 The Committee are of the view that the non-official members of the Union should be exempted from disqualification for being chosen as or for being a member of Parliament.**

*Kalidas Akademi, Ujjain, Madhya Pradesh*

3.25 The Committee note that the non-official members of Kalidas Akademi are paid TA/DA as per Madhya Pradesh Government Rules which are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Akademi is to promote multi disciplinary explorations, study and dissemination of classical Indian traditions including academic pursuits, literature, theatre and various visual art forms. The functions of the Akademi are advisory in nature.

**3.26 The Committee are of the view that the non-official members of the Akademi should be exempted from disqualification for being chosen as or for being a Member of Parliament.**

*Madhya Pradesh Urdu Academy, Bhopal*

3.27 The Committee note that the non-official members of Madhya Pradesh Urdu Academy are paid TA as first class rail fare which are covered under the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Academy is to do the work for the promotion of Urdu Literature in the State. As such, the function of the Akademi is advisory in nature.

**3.28 The Committee recommend that the non-official members of the said Akademi should be exempted from disqualification for being chosen as or for being a Member of Parliament.**

*Advisory Committee on Resettlement, Department of Parliamentary Affairs,  
Bhopal*

3.29 The non-official member of the Committee is paid TA for attending the meetings of the Committee by Parliamentary Affairs which is covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The function of the Committee is to render advice on the implementation of departmental works and on the basis of advice given by the Committee, the proposals are made and decisions taken. The function of the Committee is advisory in nature.

**3.30 The Committee are of the opinion that the non-official members should be exempted from disqualification for being chosen as or for being a member of Parliament.**

*25 Postal Advisory Committees, Ministry of Communications.*

3.31. The Committee note that the non-official members of the Postal Advisory Committees are paid TA/DA at the rates admissible by the Government which are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committees are formed for purely advisory purposes to consider the suggestions received.

**3.32 The Committee recommend that the non-official members of the Committees should be exempted from disqualification for being chosen as or for being a member of Parliament.**

*Hindi Advisory Committee of the Ministry of External Affairs*

3.33 The Committee note that the non-official members of the Hindi Advisory Committee will be paid Travelling Allowance for attending the meetings of the Committee at the rates prescribed by the Government of India which are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Committee is to advise the Ministry on matters relating to progressive use of Hindi for official purposes and on propagation of Hindi abroad. The Committee feel that the function is advisory in nature.

3.34 In the case of a similar body set up by the Ministry of Railways, the Joint Committee on Offices of Profit (7th Lok Sabha) recommended that the non-official members should be exempted from disqualification.

**3.35 The Committee are of the view that the non-official members of the said Committee should be exempted from disqualification for being chosen as or for being a member of Parliament.**

*National Youth Council, Ministry of Human Resource Development  
(Department of Youth Affairs and Sports)*

3.36 The Committee note that the non-official members of the National Youth Council are paid TA/DA for attending the meetings of the Council in accordance with the provisions of S.R. 190 and Order of the Government which is covered by 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Council are to suggest measures for the implementation of the plans in the field of National Youth Policy. Thus, the functions are primarily advisory in nature.

3.37 The Committee recommend that the non-official members of the Council *should be exempted from disqualification for being chosen as or for being a member of Parliament.*

*Central Selection Committee for National Youth Awards, Ministry of Human Resource Development (Department of Youth Affairs & Sports).*

3.38 The Committee note that the non-official members of the Central Selection Committee for National Youth Awards are entitled to TA/DA for attending the meetings of the Committee as allowed to First Class Officers which are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Committee is to make final selection of young persons and a voluntary agency for national youth awards every year from amongst nominations received from the State Governments/Union Territory Administrations. The Committee has no financial powers. The function is advisory in nature.

3.39 The Committee are of the view that the non-official members of the said Committee *should be exempted from disqualification.*

*Central Policy Committee for Youth Hostels, Ministry of Human Resource Development (Department of Youth Affairs & Sports)*

3.40 The Committee note that the non-official members of the Central Policy Committee for Youth Hostels are not paid any remuneration. The functions of the Committee are to suggest measures for proper management and upkeep of Youth Hostels. The functions are thus advisory in nature.

3.41 In view of above, the Committee recommend that the non-official members of the said Committee *should be exempted from disqualification.*

*Hindi Salahakar Samiti, Ministry of Food*

3.42 The Committee note that the non-official members of the Hindi Salahakar Samiti are entitled to TA and DA as applicable to members of the High Powered Committee. The payment of TA/DA are covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament Act, 1959. The main function of the Samiti is to render advise to the

Ministry on the matters relating to progressive use of Hindi for official purposes. The functions being advisory in nature.

3.43 In this connection, it may also be stated that Joint Committee on Offices of Profit (Seventh Lok Sabha) in their 3rd and 4th Report examined similar bodies and had recommended that non-official members of Hindi Advisory Committee of Ministry of Planning and Railways should be exempted from disqualification.

3.44 The Committee are of the view that the non-official members of the said Samiti should be exempted from disqualification for being chosen as or for being a member of Parliament.

NEW DELHI;

CHIRANJI LAL SHARMA

5 November, 1992

*Chairman,  
Joint Committee on Offices of Profit.*

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14 Kartika, 1914(S)

## APPENDIX

(vide para 1.2 of the Report)

### XI

#### MINUTES OF THE ELEVENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)

The Committee met on Tuesday, 4 August, 1992 from 1600 to 1650 hrs.

#### PRESENT

Shri Chiranji Lal Sharma — *Chairman*

#### MEMBERS

2. Prof. Susanta Chakraborty
3. Shri Harisinh Pratapsinh Chavda
4. Shri Roshan Lal
5. Shri S.B. Thorat

#### SECRETARIAT

1. Shri S.C. Gupta — *Joint Secretary.*
2. Shri R.K. Chatterjee — *Deputy Secretary.*
3. Shri D.L. Kapur — *Assistant Director.*

2. The Committee took up for consideration Memoranda Nos. 12-15 relating to the following Committees/Boards etc. constituted by State Governments:

*Rajasthan State Environment Control Board, Jaipur— Proposed nomination of Smt. Vasundhara Raje, M.P. as a member thereof. (Memo. No. 12)*

3. The Committee noted that the main functions of the Board were to advise the State Government on comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State besides evolving methods for utilisation of sewage and suitable trade effluents in agriculture. As such, the functions of the Board were purely advisory in nature.

4. The Committee, however noted that the non-official Members of the Board were paid a 'sitting allowance' of Rs. 50/- per sitting in addition to TA/DA as admissible to officers of category 'A' of the State Government and Rs. 30/- as D.A. In this connection, the Committee noted that in case of Vindhya Pradesh Legislative Assembly (ELR-Vol. IV, p. 422) the Chief

Election Commissioner held that if consideration was paid in the shape of 'sitting fee' or 'attendance fee' not being daily allowance it became profit inasmuch as it did not purport to cover any actual expenses.

6. The Joint Committee on Offices of Profit (Seventh Lok Sabha) in their Tenth Report had also taken the view that an office to which any 'sitting fee', 'honorarium' or 'salary' were attached was to be treated as remuneration other than the 'compensatory allowance' and as such that office should not be exempted from disqualification.

7. The Committee were, therefore, of the view that the non-official members of the Rajasthan State Environment Control Board, *should not be exempted* from disqualification.

*State Level National Integration Committee, Himachal Pradesh, Shimla - Proposal to nominate Shri Maheshwar Singh, M.P. (RS) as a member thereof (Memo. No. 13)*

8. The Committee considered the proposal regarding appointment of Shri Maheshwar Singh, M.P. (RS) as member of the State Level National Integration Committee, Himachal Pradesh, Shimla.

9. The Committee noted that the non-official members of the State Level National Integration Committee were entitled to TA/DA as per Rules prescribed by the State Government. The payment of TA/DA was covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959.

The main function of the Committee was to promote policies of the National Integration which was purely advisory in nature. The Committee, were, therefore, of the view that nomination of Shri Maheshwar Singh, M.P. or any other non-official member of the said Committee in no way came within the purview of office of profit and it *should be exempted* from disqualification. Rajya Sabha Secretariat from whom the reference was received might be informed accordingly.

*District Level Antodaya Development and Public Grievances Redressal Committee, Himachal Pradesh — Proposal to appoint Shri Maheshwar Singh, M.P. (RS) as a member thereof (Memo. No. 14)*

10. The Committee considered the proposal regarding appointment of Shri Maheshwar Singh, M.P. (RS) as member of the District Level Antodaya Development and Public Grievances Redressal Committee, Himachal Pradesh, Shimla.

11. The Committee noted that the non-official members of the said Committee were paid TA/DA at the rates admissible by the State Government. As such, the payment of TA/DA was covered by the 'compensatory allowance' as defined in Section 2(a) of Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee were to advise the Government to review the matters relating to procurement, distribution of essential commodities, Antodaya Programme



and other development works. Thus, the functions were advisory in nature. The Committee, therefore, recommended that non-official members (including members of Parliament) *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

*Rajasthan State Industrial Development and Investment Corporation-Proposal to appoint Shri Jaswant Singh, M.P. as Chairman thereof (Memorandum No. 15)*

12. The Committee noted that the main functions of the Corporation were to develop and promote, establish and execute industries, projects for manufacture and production of goods, plant, machinery, tools, implements etc. for industrial development of Rajasthan. The Corporation would also grant or guarantee loans or advances to any industrial concerns viz. public and private limited companies, partnership firms, Joint Hindu family concerns and cooperative societies etc. to enable it to undertake and start new industry approved by the Company. As such, the Corporation exercised both executive and financial powers.

13. The Committee also noted that non-official Directors (including Chairman) of the Rajasthan State Industrial Development and Investment Corporation were entitled to a 'sitting fee' of Rs. 100/- per meeting in addition to TA / DA. In this connection, the Committee noted that in case of Vindhya Pradesh Legislative Assembly (ELR-Vol. IV p. 422) the Chief Election Commissioner held that if consideration was paid in the shape of a 'sitting fee' or 'attendance fee' not being daily allowance it became profit inasmuch as it did not purport to cover any actual expenses.

14. The Committee also noted a similar case during Seventh Lok Sabha when they recommended (7th Report) that the non-official Directors of the Board of Directors of the Pondicherry Industrial Promotion, Development and Investment Corporation Limited ought not to be exempted from disqualification. Again during Eighth Lok Sabha, in their Ninth Report, the Joint Committee considered the case of Goindwal Industrial and Investment Corporation of Punjab Limited (Punjab) and recommended that non-official members of the said Corporation should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

15. The Committee were, therefore, of the opinion that the non-official Directors (including the Chairman) *should not be exempted* from disqualification for being chosen as or for being a Member of Parliament.

*The Committee then adjourned.*

## XII

### MINUTES OF THE TWELFTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)

The Committee met on Friday, 28 August, 1992 from 1530 to 1600 hours.

#### PRESENT

Shri Chiranji Lal Sharma—*Chairman*

#### MEMBERS

*Lok Sabha*

2. Prof. Susanta Chakraborty
3. Shri Mohan S. Delkar
4. Shri Roshan Lal
5. Shri Thota Subba Rao
6. Shri Shiv Pratap Mishra
7. Shri Som Pal

#### SECRETARIAT

- |                         |   |                         |
|-------------------------|---|-------------------------|
| 1. Shri S.C. Gupta      | — | <i>Joint Secretary</i>  |
| 2. Shri R.K. Chatterjee | — | <i>Deputy Secretary</i> |
| 3. Shri D.L. Kapur      | — | <i>Under Secretary</i>  |

The Committee took up for consideration Memoranda Nos. 16 to 20 regarding the following Committees/Bodies etc. constituted by the Central Government/State Governments:

*Committee of Indian Statistical Institute (Ministry of Planning) (Memorandum No. 16)*

3. The Committee noted that non-official members of the Committee of Indian Statistical Institute were entitled for TA/DA as per rules of the State Government. No other remuneration was paid to them. The payment of TA/DA were covered by the 'compensatory allowance' as defined in Section 2 (a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Committee was to finalise the programme of work (both plan and non-plan) for the Institute and recommended the financial estimates for paying grant-in-aid to the Indian Statistical Institute. As such, the functions of the Committee by and large were advisory in

nature. The Committee recommended that the non-official members of the Committee of Indian Statistical Institute *should be exempted* from disqualification.

*Standing Committee for improvement of Statistics on Women & Children (Ministry of Planning) (Memorandum No. 17).*

The Committee noted that the non-official members of the Standing Committee for Improvement of Statistics on Women and Children would be entitled to TA/DA as admissible to Grade I officers of the Government of India which was covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Committee was to review the existing data and to identify new data in order to strengthen the perception of economic and social status of women and children. Thus, the functions were only advisory in nature. The Committee recommended that the non-official members of the Committee *should be exempted* from disqualification for being chosen as or for being members of Parliament.

*Hindi Advisory Committee (Ministry of Law, Justice & Company Affairs) (Memorandum No. 18)*

5. The Committee noted that the non-official members of the Hindi Advisory Committee were paid only TA and DA which were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Committee was to advise the Government in regard to implementation of the policies laid down by the Central and Hindi Advisory Committees for the use of Hindi for official purposes. The functions being advisory in nature, the Committee were of the view that the non-official members of the said Committee *might be exempted* from disqualification for being chosen as or for being a Member of Parliament.

In this connection, the Committee also noted that Joint Committee on Offices of Profit (Seventh Lok Sabha) in their 3rd and 4th-Report had recommended that non-official members of Hindi Advisory Committees of Ministry of Planning and Railways *should be exempted* from disqualification.

*Research Advisory panels for Agriculture, Food, Nuclear Medicine and Allied Sciences, Electro-Medical Research (Ministry of Defence) (Memorandum No. 19)*

6. The Committee noted that the non-official members of the Research Advisory Panels were paid TA/DA 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 main functions of the panels were to examine and recommend research proposals and to conduct periodic review of the projects. As such, the functions were only advisory in nature. The Committee recommended that

the non-official members of the Research Advisory Panels *should be exempted* from disqualification.

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*The Committee then adjourned.*

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

### XIII

## MINUTES OF THE THIRTEENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)

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The Committee met on Monday, the 14 September, 1992 from 1400 to 1440 hours.

#### PRESENT

Shri Chiranji Lal Sharma—*Chairman*

#### MEMBERS

2. Prof. Susanta Chakraborty
3. Shri Harisinh Pratapsinh Chavda
4. Shri Dau Dayal Joshi
5. Shri D.K. Naikar
6. Shri Ram Chandra Rath
7. Shri S.B. Thorat
8. Shri E. Balanandan
9. Shri Shiv Pratap Mishra
10. Shri S.K.T. Ramachandran
11. Shri Subramanian Swamy

#### SECRETARIAT

1. SHRI S.C. Gupta—*Joint Secretary*
2. Shri R.K. Chatterjee—*Deputy Secretary.*
3. Shri D.L. Kapur—*Under Secretary.*

2. The Committee took up for consideration Memoranda Nos. 21 to 30 regarding the following Committees/Bodies etc. constituted by the State Governments/Union Territories:—

*Maharashtra State Haj Committee, Maharashtra, Bombay  
(Memorandum No. 21)*

3. The Committee noted that the non-official members of the Maharashtra State Haj Committee were entitled to draw TA/DA as per rules of the State Government 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 being mainly to assist the pilgrims and to advise them on matters relating to Haj Pilgrimage were advisory in nature. The Committee recommended that the non-

official members of the said Haj Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

In a similar case of the Haj Committee, Rajasthan, the Joint Committee on Offices of Profit (Seventh Report-Eighth Lok Sabha) recommended that non-official members should be exempted from disqualification.

*District Nehru Rozgar Yojana Committee for Nehru Rozgar Yojana, Dadra and Nagar Haveli (Memorandum No. 22)*

4. The Committee noted that the members of the District Nehru Rozgar Yojana Committee including the non-official members were not paid any remuneration. The main function of the Committee was to play a significant role in the implementation of the Nehru Rozgar Yojana which was targetted towards the urban poor people. The entire fund for the scheme was released by the Government of India under the centrally sponsored programme. The Committee did not enjoy any executive or financial powers. The Committee recommended that the non-official members of the Committee *should be exempted* from disqualification.

*Union Territory Level Co-ordination Committee on Jawahar Rozgar Yojana, Dadra & Nagar Haveli (Memorandum No. 23)*

5. The Committee was set up for introducing speedy and effective measures for Implementation of Jawahar Rozgar Yojana in Dadra and Nagar Haveli. The Committee noted that its non-official members were not paid any remuneration. The Committee did not carry any executive, legislative or judicial powers. The fund at the disposal of the Committee was entirely released by the Government of India and was distributed as per prescribed norms. The Committee recommended that the non-official members of the Committee *should be exempted* from disqualification.

*Union Territory Level Coordination Committee for Integrated Rural Development Programme, Dadra & Nagar Haveli (Memorandum No.24)*

6. The Committee noted that the non-official members of the Committee were not paid any remuneration. The main function of the Committee was to approve and sanction block plans and provide coordination, supervision etc. in the implementation of the Integrated Rural Development Programme. The Committee did not exercise any executive, legislative or judicial powers. Thus, the functions of the Committee were advisory in nature. The Committee recommended that the non-official members of the Committee *should be exempted* from disqualification.

*Planning Board for the Union Territory of Daman & Diu and Dadra & Nagar Haveli (Memorandum No. 25)*

7. The Committee noted that the non-official members of the Planning Board for the Union Territory of Daman and Diu and Dadra and Nagar Haveli were not paid any remuneration. The main function of the Board was to provide guidance in proper implementation of Plan Programmes. Thus, the Board was purely advisory in nature. The Committee

recommended that the non-official members *should be exempted* from disqualification.

*District Level Road Safety Committee for the Union Territory of Dadra and Nagar Haveli (Memorandum No. 26)*

8. The Committee noted that the non-official members of the District Level Road Safety Committee for the Union Territory of Dadra and Nagar Haveli were not paid any remuneration/allowances. The Committee should prepare action plan and suggest ways and means to implement Road Safety Measures in Dadra and Nagar Haveli. The Committee did not exercise any financial or executive powers. Thus, the Committee was purely an advisory one. The Committee recommended that the non-official members of the Committee *should be exempted* from disqualification.

*Board of Directors, Mizoram State Cooperative Union, Mizoram, Aizawl (Memorandum No. 27)*

9. The Committee noted that the non-official members of the Mizoram State Cooperative Union were paid DA at the rate of Rs. 40/-per day for attending the meeting of the Board which was covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Union were to formulate schemes for imparting education to the members of the Cooperative Institution and to ensure proper cooperative development. The Committee felt that the functions of the said Union were advisory in nature. Hence, the non-official members of the Union *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

*Kalidas Akademi, Ujjain (Madhya Pradesh) (Memorandum No. 28)*

10. The Committee noted that the non-official members of Kalidas Akademi were paid TA/DA as per Madhya Pradesh Government Rules which were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Akademi was to promote multi disciplinary explorations, study and dissemination of classical Indian traditions including academic pursuits, literature, theatre and various visual art forms. The functions of the Akademi were advisory in nature. The Committee recommended that the non-official members of the Akademi *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

*Madhya Pradesh Urdu Academy, Bhopal (Memorandum No. 29)*

11. The Committee noted that the non-official members of Madhya Pradesh Urdu Academy were paid TA as first class rail fare which were covered under the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Academy was to do the work for the promotion of Urdu Literature in the State. As such, the function of the Academy was advisory in nature. The Committee recommended that the non-official members of the said Academy *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

*Advisory Committee on Resettlement, Department of Parliamentary Affairs, Bhopal (Memorandum No. 30)*

12. The non-official member of the Committee was paid TA for attending the meetings of the Committee by Parliamentary Affairs which was covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The function of the Committee was to render advice on the implementation of departmental works and on the basis of advice given by the Committee, the proposals were made and decisions taken. The function of the Committee was advisory in nature. Hence, the non-official members *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

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*The Committee then adjourned.*



## XIV

### MINUTES OF THE FOURTEENTH SITTING OF THE JOINT COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)

The Committee met on Tuesday, 29 September, 1992 from 1500 to 1540 hours.

#### PRESENT

Shri Subramanian Swamy—*in the Chair*

#### MEMBERS

2. Shri Dau Dayal Joshi
3. Shri D.K. Naikar
4. Shri Ram Chandra Rath
5. Shri Thota Subha Rao
6. Shri S.B. Thorat
7. Shri E. Balanandan
8. Shri S.K.T. Ramachandran

#### SECRETARIAT

1. Shri R.K. Chatterjee—*Deputy Secretary*
2. Shri D.L. Kapur—*Under Secretary*

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

2. The Committee then took up for consideration memoranda Nos. 31 to 36 relating to the following Committees constituted by the Central Government:—

25 *Postal Advisory Committees, Ministry of Communications (Memorandum No. 31)*

3. The Committee noted that the non-official members of the Postal Advisory Committees were paid TA / DA at the rates admissible by the Government which were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committees were formed for purely advisory purposes to consider the suggestions received. The Committee recommended that the non-official members of the Committees *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

*Hindi Advisory Committee of the Ministry of External Affairs  
(Memorandum No. 32).*

4. The Committee noted that the non-official members of the Hindi Advisory Committee would be paid Travelling Allowance for attending the meetings of the Committee at the rates prescribed by the Government of India which were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Committee was to advise the Ministry on matters relating to progressive use of Hindi for official purposes and on propagation of Hindi abroad. The Committee felt that the function was advisory in nature. Hence, the non-official members of the said Committee *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

In the case of a similar body set up by the Ministry of Railways, the Joint Committee on 'Offices of Profit (7th Lok Sabha) recommended that the non-official members should be exempted from disqualification.

*National Youth Council, Ministry of Human Resource Development  
(Deptt. of Youth Affairs and Sports) (Memorandum No. 33).*

5. The Committee noted that the non-official members of the National Youth Council were paid TA/DA for attending the meetings of the Council in accordance with the provisions of S.R. 190 and Order of the Government which was covered by 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Council were to suggest measures for the implementation of the plans in the field of National Youth Policy. Thus, the functions were primarily advisory in nature. The Committee recommended that the non-official members of the Council *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

*Central Selection Committee for National Youth Awards Ministry of  
Human Resource Development (Department of Youth Affairs & Sports)  
(Memorandum No. 34).*

6. The Committee noted that the non-official members of the Central Selection Committee for National Youth Awards were entitled to TA/DA for attending the meetings of the Committee as allowed to First Class Officers which were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main function of the Committee was to make final selection of young persons and a voluntary agency for national youth awards every year from amongst nominations received from the State Governments/Union Territory Administrations. The Committee had no financial powers. The function was advisory in nature. The Committee

recommended that the non-official members of the said Committee *should be exempted* from disqualification.

*Central Policy Committee for Youth Hostels, Ministry of Human Resource Development (Department of Youth Affairs and Sports). (Memorandum No. 35).*

7. The Committee noted that the non-official members of the Central Policy Committee for Youth Hostels were not paid any remuneration. The functions of the Committee were to suggest measures for proper management and upkeep of youth hostels. The functions were thus advisory in nature. In view of above, the Committee recommended that the non official members of the said Committee *should be exempted* from disqualification.

*Hindi Salahakar Samiti, Ministry of Food (Memorandum No. 36)*

8. The Committee noted that the non-official members of the Hindi Salahakar Samiti were entitled to TA and DA as applicable to members of the High Powered Committee. The payment of TA/DA were covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament Act, 1959. The main function of the Samiti was to render advise to the Ministry on the matters relating to the progressive use of Hindi for official purposes. The functions being advisory in nature. Hence, the non-official members of the said Samiti *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

In this connection, it may also be stated that Joint Committee on Offices of Profit (Seventh Lok Sabha) in their 3rd and 4th Report examined similar bodies and had recommended that non-official members of Hindi Advisory Committee of Ministry of Planning and Railways should be exempted from disqualification.

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*The Committee then adjourned.*

**XV**

**MINUTES OF THE FIFTEENTH SITTING OF THE JOINT  
COMMITTEE ON OFFICES OF PROFIT (TENTH LOK SABHA)**

The Committee met on Thursday, 5 November, 1992 from 1500 to 1530 hours.

**PRESENT**

**Shri Chiranji Lal Sharma—Chairman**

**MEMBERS**

2. Prof. Susanta Chakraborty
3. Shri Dau Dayal Joshi
4. Shri D. K. Naikar
5. Shri Ram Chandra Rath
6. Shri S. B. Thorat
7. Shri Shiv Pratap Mishra
8. Shri S. K. T. Ramachandran

**SECRETARIAT**

1. Shri R. K. Chatterjee—*Deputy Secretary*
2. Shri Ram Kumar—*Under Secretary*

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

3. The Committee authorised the Chairman to present the Report to Lok Sabha on a date convenient to him.

4. The Committee also decided that the Report might be laid on the Table of Rajya Sabha on the same day.

*The Committee then adjourned.*

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