

# JOINT COMMITTEE ON OFFICES OF PROFIT

## SIXTH REPORT

(EIGHTH LOK SABHA)



*Presented to Lok Sabha on 9.12.1987*

*Laid in Rajya Sabha on 9.12.1987*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 1987 / Agrahayana, 1909 (Saka)*

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

**COMPOSITION OF COMMITTEE**

**Kumari Kamla Kumari—*Chairman***

**MEMBERS**

***Lok Sabha***

2. Shri Ajoy Biswas
3. Shri Ajitsinh Dabhi
4. Shri Sharad Dighe
5. Shri Appayya Dora Hanumantu
6. Shri Mahendra Singh
7. Shri Sriballav Panigrahi
8. Shri P. M. Sayeed
9. Shri S. B. Sidnal
10. Shri Balram Singh Yadav

***Rajya Sabha***

11. Shri Sohan Lal Dhusiya
- \*12. Shrimati Sudha Vijay Joshi
- \*\*13. Shri K. Gopalan
14. Shri Puttapaga Radhakrishna
- \*15. Dr. H. P. Sharma

**SECRETARIAT**

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri O. P. Chopra—*Senior Legislative Committee Officer.*

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\* Elected by Rajya Sabha on the 26th November, 1986 vice Smt. Monika Das and Shri B. Krishna Mohan ceased to be members of the Joint Committee on their retirement from that House.

\*\* Elected by Rajya Sabha on the 13th March, 1986 vice Shri Amar Prosad Chakraborty. M.P. died.

# 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 Sixth Report of the Committee.

1.2 The matters covered by the Report were considered by the Committee at their sittings held on 27th & 28th January, 11th February, 10th & 30th June, 14th & 15th July and 28th August, 1987. Minutes of these sittings form part of the Report and are at Appendix.

1.3 The Committee examined the composition, character, functions etc. of 29 Committees/Boards/Corporations 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 offices 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 Ministries/Departments of the Central Government and the State Governments/Union Territory Administration.

1.5 The Committee considered and adopted the Report at their sitting held on 24th November, 1987.

1.6 The Committee wish to express their thanks to the Ministries/Departments of the Central and State Governments and to the Union Territory Administration who have furnished information desired by the Committee.

NEW DELHI;  
24th November, 1987.

3 Agrahayana, 1909 (Saka)

KUMARI KAMLA KUMARI,  
Chairman,

Joint Committee on Offices of Profit.

**COMMITTEE/BOARDS ETC. CONSTITUTED BY THE CENTRAL  
AND STATE GOVERNMENTS AND UNION TERRITORY  
ADMINISTRATION**

*Indian National Man and Biosphere Committee (Department of  
Environment)*

2.1 The Committee note that the non-official members of the Indian National Man and Biosphere Committee of the Department of Environment are paid TA and DA at the rate of Rs. 75/- (maximum) 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 Committee are to direct and supervise the Man and the Biosphere programme initiated by the UNESCO and the functions are thus advisory in nature. As such the Committee recommend that the non-official members including the Chairman of the above Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Advisory Committee for the Regional Engineering Colleges (Ministry  
of Human Resource Development—Department of Education)*

2.2 The Committee note that the non-official members of the Advisory Committee on Regional Engineering Colleges are paid TA and DA @ Rs. 75/- (maximum) 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 to advise on all matters relating to the duration of the courses, admission standards etc. of all Regional Engineering Colleges and also in the matter of their administration, are advisory in nature. Hence the Committee feel that the non-official members of the said Advisory Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*All India Board of Post-Graduate Studies and Research in Engineering  
and Technology (Ministry of Human Resource Development—  
Department of Education)*

2.3. The Committee note that the non-official members of the Board of Post Graduate Studies and Research in Engineering and

Technology are paid TA and D.A. @ Rs. 75|- (maximum) which is covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Board being to coordinate the development of Post-Graduate Education and research in engineering and technology in the country and to advise in that regard to All India Council for Technical Education are advisory in nature. Hence the Committee are of the opinion that the non-official members including the Chairman of the said Board *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Media Advisory Committee (Ministry of Information and Broadcasting)*

2.4. The Committee note that the non-official members of the Media Advisory Committee are paid a consolidated allowance of Rs. 75|- per day when meetings are held outside the Station and Rs. 50|- when meetings are held locally which is covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover, the functions of the Committee are to advise the Government on measures to be taken up to associate the people more directly in the planning and initiation of innovative programmes in the different media organs and determining priorities in different areas of media development and providing adequate infrastructural support and strengthening the capacity of the media to reach out to all sections of the people so as to enrich their cultural identity and promote national integration. As such the functions of the Committee are purely advisory in nature. Hence the Committee recommend that the non-official members of the above Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

(1) *Newsprint Advisory Committee.*

(2) *Newsprint Price Fixation Advisory Committee. (Ministry of Information and Broadcasting)*

2.5. The Committee note that the non-official members of the Newsprint Advisory Committee and Price Fixation Advisory Committee are paid TA and DA at the rate of Rs. 75|- per day 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 two Committees are to advise the Government on the question of policy regarding the import and allocation of newsprint and printing machinery and in the matter of fixation of price of imported newsprint. As such the functions are purely ad-

visory in nature. Hence the Committee recommend that the non-official members of the aforesaid Committees *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Board of Directors of National Film Development Corporation Ltd.  
(Ministry of Information and Broadcasting)*

2.6 The Committee note that the non-official Directors of the National Film Development Corporation are paid DA @ Rs. 150/- per sitting which is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Board of Directors of NFDC, having a share capital of Rs. 6 crore, being to manage the business of the Corporation, are executive and financial in nature. Hence the Committee recommend that the non-official Directors of the above Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Lubrizol India Limited (Ministry of Petroleum and Natural Gas)*

2.7. The Committee note that the non-official Directors of the Lubrizol India Limited are not paid any remuneration. The main functions of the Lubrizol India Limited are to manufacture Chemical additives and also to sanction capital outlay upto Rs. 2 crores. As such, they exercise executive and financial powers. Hence the Committee are of the opinion that the non-official Directors *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Bongaigaon Refinery & Petrochemicals Ltd. (Ministry of Petroleum and Natural Gas)*

2.8 The Committee note that the non-official Directors of the Bongaigaon Refinery and Petrochemicals Ltd. are paid only actual T.A. which is covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Board, however, performs executive and financial powers as the entire management of the Corporation is vested with the Board of Directors. As such, the Committee consider that the non-official Directors *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Institute of Management in Government, Trivandrum (Kerala)*

2.9. The Committee note that the non-official Directors of the Institute of Management in Government, Kerala are paid T.A. only which is covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Institute being to create an awareness of the potentialities of modern management science as an instrument for development of the economic and social activities of Government are only Advisory in nature. Hence, the Committee are of the view that the non-official Directors of the management *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Kerala Financial Corporation, Trivandrum (Kerala)*

2.10. The Committee note that the non-official Directors of the Kerala Financial Corporation are paid T.A. and D.A. as admissible to grade I Officer 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 Corporation has the power to sanction loans upto Rupees 60 lakhs and hence it exercises financial powers. As such the Committee recommend that the non-official Directors *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Kerala State Co-operative Federation for Fisheries Development Ltd.,  
Trivandrum (Kerala)*

2.11. The Committee note that the non-official Directors of the Kerala State Co-operative Federation for Fisheries Development Ltd. are paid TA and DA @ Rs. 50/- per day besides sitting fee of Rs. 75/- per sitting. 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. Moreover, the Federation exercises executive and financial powers as the management of the Co-operative Federation is vested in the Board of Directors. Hence the Committee consider that the non-official Directors of the Kerala State Co-operative Federation for Fisheries Development Ltd. *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Port Advisory Committee for Calicut/Beypore Port; Azhikkal port;  
Neendakara Port and Alleppey Port (Kerala)*

2.12. The Committee note that the non-official Members of the aforesaid Port Advisory Committee are not paid any remuneration.



except actual T.A. 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 Committee being to offer advice regarding the improvements in the ports consistent with traffic etc. is purely advisory in nature. Hence the Committee recommend that the non-official members of the Port Advisory Committees, Kerala *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*District Development Council (Kerala)*

2.13. The Committee note that the non-official members of the District Development Council are paid only TA and DA @ Rs. 50|- per day 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 Council are to discuss and suggest measures for efficient execution of the scheme initiated in the Five Year Plans for the development of the district. As such the functions are purely advisory in nature. Hence 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.

*Kerala State Wood Industries Ltd. (Kerala)*

2.14. The Committee note that the non-official Directors of Kerala State Wood Industries Ltd. are paid actual travelling expenses and a sitting fee of Rs. 100|- per sitting. 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. The Kerala State Wood Industries Ltd. exercises both executive and financial powers as the management of affairs of the Company is vested with the Board of Directors. Hence the Committee consider that the non-official Directors of the Company *should not be exempted* from disqualification for being chosen as or for being a member of Parliament.

*Kerala State Construction Corporation Ltd. (Kerala)*

2.15 The Committee note that the non-official Directors of the Kerala State Construction Corporation are paid TA as per State Government rules and also a sitting fee of Rs. 75|- per sitting which is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Corporation are both executive and financial

in nature as the management of the affairs of the Corporation is vested on the Board of Directors of the Corporation. Hence the Committee recommend that the non-official Directors of the Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Kerala State Development Corporation for Christian Converts from Scheduled Castes and the recommended Communities (Kerala)*

2.16. The Committee note that the non-official Directors of the Kerala State Development Corporation for Christian Converts from Scheduled Castes and the recommended communities are paid TA and DA as admissible to Class I officers of the State Government and a sitting fee of Rs. 100 per sitting. Besides the Chairman is entitled to an honorarium of Rs. 750|- per month. 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 main functions of the Corporation are to carry out the management of the Company and to take decisions on policy matters and implementation of the Schemes. The Corporation thus exercises both executive and financial powers. Hence the Committee are of the view that the non-official Directors of the Corporation (including the Chairman) *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Kerala State Civil Supplies Corporation Ltd., Ernakulam (Kerala)*

2.17. The Committee note that the non-official Directors of the Kerala State Civil Supplies Corporation Ltd. are paid a sitting fee @ Rs. 100|- per sitting which is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover the non-official directors are vested with powers to manage the business of the company and thus exercises both executive and financial powers. As such the Committee recommend that the non-official Directors of the Company *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament

*Kerala State Development Corporation for SCs/STs Ltd., Trichur (Kerala)*

2.18. The Committee note that the non-official Directors of the Kerala State Development Corporation for SCs/STs Ltd. are paid TA as per rates of the Class I officer of the State Government and

a sitting fee of Rs. 50/- per day which is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Corporation are to manage its affairs including taking decisions on all policy matters of the Corporation. As such the Corporation exercises both executive and financial powers. Hence the Committee consider that the non-official Directors (including the Chairman of the Corporation) *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

#### *The Kerala Livestock Development and Milk Marketing Board*

2.19. The Committee note that the non-official members of the Kerala Livestock Development and Milk Marketing Board are paid sitting fee of Rs. 100/- per sitting besides actual TA and DA @ Rs. 30/- per day. In addition, Chairman is paid a monthly remuneration of Rs. 750/- p.m. The payment of sitting fee and monthly remuneration are not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Board are to promote and develop animal husbandry for increase in production of milk, meat and eggs and development of village grasslands besides granting loans and financial assistance to individuals, units and agencies carrying on business of dairy farming. As such the Board exercises both executive and financial powers. Hence the Committee are of the opinion that the non-official members (including Chairman) of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

#### *The Kerala State Financial Enterprises Ltd.*

2.20. The Committee note that the non-official Directors of the Kerala State Financial Enterprises Ltd. are paid a sitting fee of Rs. 50/- per sitting. The Chairman and Vice-Chairman are paid an honorarium of Rs. 750/- and Rs. 450/- p.m. The Chairman in addition is entitled to certain perks. 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 functions of the Company are to organise, conduct, manage and carry on the business of general insurance and business of dealers, agents and traders under hire-purchase system of articles, vehicles, machinery, and tools of all

capital goods and consumer goods. The functions are thus executive and financial in nature. Hence the Committee recommend that the non-official Directors of the Kerala State Financial Enterprises Ltd. *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Kerala State Beverages (Manufacturing and Marketing) Corporation Ltd.*

2.21. The Committee note that the non-official Chairman and Managing Director of the Kerala State Beverages (Manufacturing and Marketing) Corporation Ltd. are paid a monthly salary of Rs. 4492 and Rs. 2698.30 respectively which is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committee are informed that the Corporation has been set up for the establishment, promotion and trading in the business of liquor and other alcoholic beverages in the State. As such the Corporation exercises both executive and financial powers. Hence the Committee are of the view that the non-official Directors of the Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Manipur Plantation Crops Corporation Limited (Manipur)*

2.22. The Committee note that the non-official Directors of the Manipur Plantation Crops Corporation Limited are paid sitting fee of Rs. 100/- per meeting which is not covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation are to carry on the business of plantation, manufacture and sale of plantation crops and to manage the affairs of Corporation. The Corporation thus exercises both executive and financial powers. Hence the Committee consider that the non-official Directors of the Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Manipur Development Society (Manipur)*

2.23. The Committee note that the non-official members of the Manipur Development Society are paid Rs. 100/- per day for attending a meeting and TA & DA as entitled to class I Officers of the State Government while on field duty. The payment of Rs. 100/- per day is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification)

Act, 1959. The main functions of the Society are to bring about employment oriented development in the State including procuring of loans and advances from the Central Government. As such, the Society exercises both executive and financial powers. Hence the Committee recommend that the non-official members *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Board of Directors of the Meghalaya Apex Handloom Weavers and Handicrafts Cooperative Federation Ltd. (Meghalaya)*

2.24. The Committee note that the non-official Directors of the Apex Handloom Weavers and Handicrafts Cooperative Federation Ltd. are paid a sitting fee of Rs. 50/- per sitting which is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Board of Directors being to manage the affairs of the Federation including appointment of salaried staff and to prepare budget estimates are both executive and financial in nature. Hence, the Committee consider that the non-official Directors of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Advisory Board of the Shillong Consumer Cooperative Wholesale Store Ltd., Shillong (Meghalaya)*

2.25. The Committee note that the non-official members of the Shillong Consumer Cooperative Wholesale Store Ltd., are paid a sitting fee of Rs. 45/- per sitting which is not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover the functions of the Board are to manage the affairs of the Stores and to raise funds and to sanction investment of the funds of the stores. As such the Board exercises both executive and financial powers. Hence the Committee recommended that the non-official members of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Committee to promote National Integration at District Level in Rajasthan—Proposal to nominate all members of Parliament from Rajasthan in the Committee as non-official members*

2.26. The Committee note that the non-official members of the Committee to promote National Integration at district level in Rajasthan are paid TA & DA admissible under the 'members'

salary, Allowances and Pension of members of Parliament Act, 1954 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 review the work done for the promotion of National Integration in Rajasthan and as such the function is advisory in nature. Hence the Committee are of the view that the members of the said Committee (including members of Parliament, proposed to be nominated thereon) *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Chambal Irrigated Area Development Authority (Rajasthan)—Proposal to nominate Prof. Nirmala Kumari Shaktawat and Shri Shanti Kumar Dhariwal, M.Ps. as members thereof*

2.27. At their sitting held on 12th September, 1986, the Joint Committee on Offices of Profit (Eighth Lok Sabha) while examining the proposal of the Government of Rajasthan to nominate Prof. Nirmala Kumari Shaktawat and Shri Shanti Kumar Dhariwal, M.Ps. as non-official members of Chambal Irrigated Area Development Authority desired that further information on the following points in respect of the Chambal Irrigated Area Development Authority might be called for from the State Government of Rajasthan for their consideration:—

- (1) Actual rates of TA and DA admissible to the non-official members of the above Authority (including that admissible to members of Parliament, if nominated.).
- (2) A copy of order No. F. 10(37)CAD/83 dated 29-10-1983 under which the Authority has been constituted.
- (3) Detailed functions of the Authority in regard to execution of Development Programme and in regard to proper utilisation of the fund.
- (4) Whether any guidelines have been issued by the Government for the members of the above Committee for ensuring effective implementation of the Irrigated Area Development Programme; and
- (5) Whether the State Government has the discretionary powers to approve or reject the recommendations of the Authority and whether their recommendations are binding on the Government."

2.28. The Government of Rajasthan in their last reply dated the 14th April, 1987, have stated as follows:—

- “1. No TA & DA is being given to the non-official members of the Chambal Command Area Development Authority.
2. No separate guidelines have been issued.
3. The State Government has the discretionary powers to approve or reject the recommendations of the Chambal Area Development Authority.

2.29. It has been further stated that the functions of the Chambal Irrigated Area Development Authority are maintenance and efficient operation of the water delivery system from the source to the farm outlet and development of ground water to supplement surface irrigation and to advise for effective implementation of the irrigated area development programme. The functions are thus advisory in nature.

2.30. In view of the position stated above by the State Government of Rajasthan, the Committee are of the view that the non-official members (including M.Ps., if nominated) of the Chambal Irrigated Area Development Authority who are not paid any TA & DA and the functions of the Committee being advisory in nature, *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

✓ *Uttar Pradesh Waqf Vikas Nigam Limited (U.P.)—Proposal to Nominate Shri K. J. Abbasi, M.P. as Director|Chairman thereof*

2.31 The Committee noted that the non-official Directors of the Uttar Pradesh Waqf Vikas Nigam Limited are paid sitting fee of Rs. 100/- per day besides T.A. The Chairman is paid an honorarium of Rs. 1000/- p.m. besides H.R.A. @ Rs. 300/- p.m. and conveyance allowance @ Rs. 300/- p.m. 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 main functions of the Nigam are to formulate plans, to process and to execute schemes for the development of waqfs, trusts or wakf Institution properties and to raise funds for establishment of housing colonies on waqf properties. As such the Corporation exercises both executive and financial powers. Hence the Committee recommend that the non-official Directors and Chairman (including the proposed nomination of Shri K. J. Abbasi, M.P. as

Director/Chairman) of the U.P. Waqf Vikas Nigam Limited should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Union Territory Level Steering Committee for Implementation of National Rural Employment Programme, Dadra and Nagar Haveli*

2.32 At their sitting held on 18th June, 1986, the Joint Committee on Offices of Profit (Eighth Lok Sabha), while examining the functions of the Union Territory Level Steering Committee for implementation of National Rural Employment Programme, Dadra and Nagar Haveli desired that further information on the following points in respect of the said Steering Committee might be called for from the Union Territory Administration:—

- (i) Whether the Steering Committee exercised executive and financial powers while formulating a plan under the N.R.E. Programme and whether the decisions of the Committee were final or the Government were empowered to alter it;
- (ii) whether the advice tendered in regard to resources and for ensuring equal distribution of resources to all the areas was binding on the Union Territory Administration; and
- (iii) whether the Steering Committee undertook a regular and effective review and evaluation of stock position and quality of food grains supplied, disbursement of wages to workers and programme reports of all the schemes suggested by it and took remedial measures for the successful implementation of each scheme.

2.33 The Administration of Dadra and Nagar Haveli in their reply dated 5th September, 1986 had stated as follows:—

- “(i) The Steering Committee has no executive and financial powers while formulating a plan under the NREP. The Union Territory Administration is empowered to alter the decisions of the Committee. However, there has been no occasion to do so, so far.
- (ii) The distribution of resources are made on the basis of the plan approved by the U.T.L.S.C. As this Union Territory consists of only one block, entire resources are distributed into one block. No complaint regarding in-



adequate distribution of resources into any part has so far been reported.

- (iii) The Steering Committee undertake periodically effective review and evaluation of stock position and quality of foodgrains supplied, disbursement of wages to workers and programme reports of all schemes suggested by it and took remedial measures for the successful implementation of the programme. The impact of the programme implemented during 1982-83 to 1984-85 has been independently evaluated by the Institute appointed by the Steering Committee on NREP. This being uni-district compact Territory, it is possible for the Steering Committee members to review and evaluate the programme effectively."

2.34 From the information made available to them, the Committee note that the functions of the Steering Committee are advisory in nature as its primary functions are to make a periodic review of progress in the execution of works taken up under the NRE Programme and to ensure equitable distribution of resources. Moreover the non-official members are also not paid any remuneration. As such the Committee are of the opinion 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.

NEW DELHI;

November 24, 1987.

Agrahayana 3, 1909 (Saka).

KUMARI KAMLA KUMARI,

*Chairman,*

*Joint Committee on Offices of Profit.*

## APPENDIX

(Vide para 1.2 of the Report)

### MINUTES OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

(EIGHTH LOK SABHA)

XXVIII

TWENTY-EIGHTH SITTING

The Committee met on Monday, the 27th January, 1987 from 15.00 to 16.00 hours.

#### PRESENT

Kumari Kamla Kumari—*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Ajoy Biswas
3. Shri Sharad Dighe
4. Shri Mahendra Singh
5. Shri Sriballav Panigrahi
6. Shri P. M. Sayeed

##### *Rajya Sabha*

7. Shri Sohan Lal Dhusiya
8. Shrimati Sudha Vijay Joshi
9. Shri K. Gopalan
10. Shri Puttapaga Radhakrishna
11. Dr. H. P. Sharma

#### SECRETARIAT

1. Shri N. N. Mehra—*Joint Secretary.*
2. Shri R. S. Mani—*Senior Legislative Committee Officer.*

The Committee took up for consideration Memoranda Nos. 110 to 125 relating to the following Committees/Corporations constituted by the Central Government/State Governments/Union Territory Administrations etc.

*Institute of Management in Government, Trivandrum (Kerala)  
(Memorandum No. 119)*

2. The Committee noted that the non-official Directors of the Institute of Management in Government, Kerala were paid T.A. only which was covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Institute being to create an awareness of the potentialities of modern management science as an instrument for development of the economic and social activities of Government were only Advisory in nature. Hence, the Committee felt that the non-official Members of the management should be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Kerala Financial Corporation, Trivandrum (Kerala) (Memorandum  
No. 120)*

3. The Committee noted that the non-official Directors of the Kerala Financial Corporation were paid T.A. and D.A. as admissible to grade I Officer 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 Corporation had the power to sanction loans upto Rupees 60 lakhs and hence it exercised financial powers. As such the Committee felt that the non-official Directors *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Union Territory Level Steering Committee for implementation of  
National Rural Employment Programme, Dadra and Nagar Haveli  
(Memorandum No. 121)*

4. At their sitting held on 18th June, 1986, the Joint Committee on Offices of Profit (Eighth Lok Sabha), while examining the functions of the Union Territory Level Steering Committee for implementation of National Rural Employment Programme, Dadra and

Nagar Haveli desired that further information on the following points in respect of the said Steering Committee might be called for from the Union Territory Administration:—

- (i) whether the Steering Committee exercised executive and financial powers while formulating a plan under the N.R.E. Programme and whether the decisions of the Committee were final or the Government were empowered to alter it;
- (ii) whether the advice tendered in regard to resources and for ensuring equal distribution of resources to all the areas was binding on the Union Territory Administration; and
- (iii) whether the Steering Committee undertook a regular and effective review and evaluation of stock position and quality of foodgrains supplied, disbursement of wages to workers and programme reports of all the schemes suggested by it and took remedial measures for the successful implementation of each scheme.

2. The Administration of Dadra and Nagar Haveli in their reply dated 5th September, 1986 had stated as follows:—

- “(i) The Steering Committee has no executive and financial powers while formulating a plan under the NREP. The Union Territory Administration is empowered to alter the decisions of the Committee. However, there has been no occasion to do so, so far.
- (ii) The distribution of resources are made on the basis of the plan approved by the U.T.L.S.C. As this Union Territory consists of only one block, entire resources are distributed into one block. No complaint regarding inadequate distribution of resources into any part has so far been reported.
- (iii) The Steering Committee undertake periodically effective review and evaluation of stock position and quality of foodgrains supplied, disbursement of wages to workers and programme reports of all schemes suggested by it and took remedial measures for the successful implementation of the programme. The impact of the programme implemented during 1982-83 to 1984-85 has been independently evaluated by the Institute appointed by the Steer-

ing Committee on NREP. This being unidistrict compact Territory, it is possible for the Steering Committee members to review and evaluate the programme effectively."

5. The Committee concluded from above, that the functions of the Steering Committee were advisory in nature as its primary functions were to make a periodic review of progress in the execution of the works taken up under the NRE Programme and to ensure equitable distribution of resources.

The Non-official members were also not paid any remuneration. As such the Committee felt 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.

*Lubrizol India Limited (Ministry of Petroleum and Natural Gas)*  
(Memorandum No. 122)

6. The Committee noted that the non-official Directors of the Lubrizol India Limited were not paid any remuneration. The main functions of the Lubrizol India Limited were to manufacture chemical additives and also to sanction capital outlay upto Rs. 2 crores. As such, they exercised executive and financial powers. Hence the Committee felt that the non-official Directors *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Bongaigaon Refinery & Petrochemicals Ltd. (Ministry of Petroleum and Natural Gas)* (Memorandum No. 123)

7. The Committee note that the non-official Directors of the Bongaigaon Refinery and Petrochemicals Ltd. were paid only actual T.A. which was covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Board however performed executive and financial powers as the entire management of the Corporation was vested with the Board of Directors. As such, the Committee felt that the non-official Directors *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Kerala State Co-operative Federation for Fisheries Development Ltd., Trivandrum (Kerala)* (Memorandum No 124)

8. The Committee noted that the non-official Directors of the Kerala State Co-operative Federation for Fisheries Development Ltd.

were paid TA & DA @ Rs. 50|- per day besides sitting fee of Rs. 75|- per sitting. 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. Moreover, the federation exercised executive and financial powers as the management of the Co-operative federation was vested on the Board of Directors. Hence the Committee felt that the non-official Directors of the Kerala State Co-operative Federation for Fisheries Development Ltd. *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Port Advisory Committees for Calicut/Beypore Port; Azhikkal Port; Neendakara Port and Alleppey Port (Kerala) (Memorandum No. 125)*

9. The Committee noted that the non-official Members of the aforesaid Port Advisory Committees were not paid any remuneration except actual T.A. 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 Committee being to offer advice regarding the improvements in the ports consistent with traffic etc. was purely advisory in nature. Hence the Committee recommended that the non-official members of the Port Advisory Committees, Kerala *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Committee then adjourned to meet again at 11-00 hours on Wednesday, the 28th January, 1987.*

**XXIX**  
**TWENTY NINTH SITTING**

The Committee met on Tuesday, the 28th January, 1987 from 11-00 to 12-00 hours.

**PRESENT**

Kumari Kamla Kumari—*Chairman*

**MEMBERS**

*Lok Sabha*

2. Shri Ajoy Biswas
3. Shri Sharad Dighe
4. Shri Mahendra Singh
5. Shri Sriballav Panigrahi
6. Shri P. M. Sayeed

*Rajya Sabha*

7. Shri Sohan Lal Dhusiya
8. Shrimati Sudha Vijay Joshi
9. Shri K. Gopalan
10. Shri Puttapaga Radhakrishna
11. Dr. H. P. Sharma

**SECRETARIAT**

1. Shri N. N. Mehra—*Joint Secretary*
2. Shri R. S. Mani—*Senior Legislative Committee Officer*

The Committee took up for consideration 4 Memoranda (Nos. 126 to 129) relating to the following Committee|Council|Corporation etc. constituted by the State Government.

*District Development Council (Kerala) (Memorandum No. 126)*

2. The Committee noted that the non-official members of the District Development Council were paid only TA and DA @ Rs. 50/- per day 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 Council were to discuss and suggest measures for efficient execution of the schemes initiated in the Five Year Plans for the development of the district. As such the functions were purely Advisory in nature. Hence the committee felt that the non-official members *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Kerala State Wood Industries Ltd. (Kerala) (Memorandum No. 127)*

3. The Committee noted that the non-official Directors of Kerala State Wood Industries Ltd. were paid actual travelling expenses and a sitting fee of Rs. 100/- per sitting. 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. The Kerala State Wood Industries Ltd. exercised both executive and financial powers as the management of affairs of the Company was vested with the Board of Directors. Hence the Committee felt that the non-official Directors of the Company *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Kerala State Construction Corporation Ltd. (Kerala) (Memorandum No. 128)*

4. The Committee noted that the non-official Directors of the Kerala State Construction Corporation were paid TA as per State Government rules and also a sitting fee of Rs. 75 per sitting which was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Corporation were both executive and financial in nature as the management of the Corporation was vested on the Board of Directors. Hence the Committee felt that the non-official Directors of the Corporation *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Committee to promote National Integration at District Level in Rajasthan—Proposal to nominate all members of Parliament from Rajasthan in the Committee as non-official members (Memorandum No. 129)*

5. The Committee noted that the non-official members of the Committee to promote National Integration at district level in Rajasthan were paid TA & DA admissible under the members' Salary,



Allowances and Pension of Members of Parliament Act, 1954 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 review the work done for the promotion of National Integration in Rajasthan and as such the function was advisory in nature. Hence the Committee felt 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.

The Committee then discussed their future programme and decided to meet again on Wednesday, the 11th February and Thursday, the 12th February, 1987 at 15-00 hours daily.

*The Committee then adjourned.*

THIRTIETH SITTING

The Committee met on Wednesday, the 11th February, 1987 from 15.00 to 15.45 hours.

PRESENT

Kumari Kamla Kumari—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Ajitsinh Dabhi
3. Shri Sharad Dighe
4. Shri Mahendra Singh
5. Shri Sriballav Panigrahi
6. Shri P. M. Sayeed
7. Shri S. B. Sidnal

*Rajya Sabha*

8. Shri Sohan Lal Dhusiya
9. Shrimati Sudha Vijay Joshi
10. Shri K. Gopalan
11. Dr. H. P. Sharma

SECRETARIAT

1. Shri N. N. Mehra—*Joint Secretary.*
2. Shri R. S. Mani—*Senior Legislative Committee Officer.*

The Committee took up for consideration Memoranda Nos. 130 to 134 relating to the following Committee/Corporations/Board etc. constituted by the Central and State Governments.

*Rajghat Samadhi Committee (Ministry of Urban Development)*  
*(Memorandum No. 130)*

2. The Committee noted that the non-official members of the

Rajghat Samadhi Committee were not paid any remuneration. Though the main functions of the Committee were to administer and control the affairs of the Samadhi and 'Samadhi fund' for keeping the Samadhi in proper orders, thereby exercising executive and financial powers, yet the Committee felt that they should be saved from disqualification in view of the fact that under section 4(1) (d) of the Rajghat Samadhi Act, 1951, two Members of Parliament were elected from among themselves by members of the Lok Sabha and one Member of Parliament was elected from among themselves by members of the Rajya Sabha.

The Committee therefore decided that the matter might be kept in abeyance till such time as a general decision on the merits of qualification or otherwise of similar bodies, as contemplated by them was taken and in the meantime the Ministry of Urban Development might be requested to add the following sub-paragraph below section 4 of the Act *ibid* as provided in Tea Act, 1953, Coffee Act, Rubber Act etc. to enable members of Parliament to be protected from disqualification:

“(3A) It is hereby declared that the office of members of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.”

*Kerala State Development Corporation for Christian Converts from Scheduled Castes and the recommended Communities (Kerala)*  
(Memorandum No. 131)

3. The Committee noted that the non-official Directors of the Kerala State Development Corporation for Christian Converts from Scheduled Castes and the recommended communities were paid TA & DA as admissible to Class I officers of the State Government and a sitting fee of Rs. 100 per sitting. Besides the Chairman was entitled to an honorarium of Rs. 750/- per month. The payment of sitting fee and honorarium were not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation were to carry out the management of the Company and to take decisions on policy matters and implementation of the schemes. The Corporation thus exercised both executive and financial powers. Hence the Committee felt that the non-official Directors of the Corporation (including the chairman) *should not be exempted* from disqualification for being chosen as, for being a member of Parliament.

*The Kerala State Civil Supplies Corporation Ltd., Ernakulam  
(Kerala) (Memorandum No. 132)*

4. The Committee noted that the non-official Directors of the Kerala State Civil Supplies Corporation Ltd. were paid sitting fee @ Rs. 100/- per sitting which was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover the non-official directors were vested with powers to manage the business of the company and thus exercised both executive and financial powers. As such the Committee felt that the non-official Directors of the Company *should not be exempted from disqualification for being chosen as, or for being a member of Parliament.*

*Kerala State Development Corporation for SC/ST Ltd. Trichur  
(Kerala) (Memorandum No. 133)*

5. The Committee noted that the non-official Directors of the Kerala State Development Corporation for SCs/STs Ltd. were paid TA as per rates of the class I officer of the State Government and a sitting fee of Rs. 50/- per day which was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Corporation were to manage its affairs including taking decisions on all policy matters of the Corporation. As such the Corporation exercised both executive and financial powers. Hence the Committee felt that the non-official Directors (including the Chairman of the Corporation) *should not be exempted from disqualification for being chosen as, or for being a member of Parliament.*

*Kerala State Legal Aid and Advice Board (Memorandum No. 134)*

6. The Committee noted that the non-official members of the Kerala State Legal Aid and Advice Board were not paid any remuneration and M.Ps & M.L.As were paid TA and DA according to the rules under the respective Salaries and Allowances Acts which were covered by 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Although the overall charge of the administration of the programme was vested on the Board and the main functions of the Board were to allot funds to the various Committees besides laying down policies and giving general or special directions to the various Committees for proper administration and implementation of the legal services programme, yet the Committee felt that the executive

and financial powers exercised by the Board for a noble cause should not be of the magnitude to disqualify them. The Committee was also apprised of an earlier recommendation of the Joint Committee on Offices of Profit (Seventh Lok Sabha) made in their Fifth Report, para 2.11, regarding non-official members of the Maharashtra State Legal Aid and Advice Board wherein the non-official members of the said Board were not exempted from disqualification for exercising both executive and financial powers. The Committee, however, decided to examine the matter in detail at a later date after taking a general policy decision regarding revised guidelines for disqualification. As such the Committee postponed further consideration of the case.

*7. The Committee then adjourned to meet again at 15.00 hours on Thursday, the 12th February, 1987.*

## XXXII

### THIRTY SECOND SITTING

The Committee met on Wednesday, the 10th June, 1987 from 15.00 to 16.00 hours.

#### PRESENT

Kumari Kamla Kumari—*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Ajoy Biswas
3. Shri Ajitsinh Dabhi
4. Shri Mahendra Singh
5. Shri Sriballav Panigrahi
6. Shri S. B. Sidnal

##### *Rajya Sabha*

7. Shri Sohan Lal Dhusiya
8. Shrimati Sudha Vijay Joshi
9. Shri K. Gopalan
10. Shri Puttapaga Radhakrishna
11. Dr. H. P. Sharma

#### SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*

The Committee took up for consideration Memorandum No. 135 regarding the question of review of approach in regard to offices held in public undertakings and other bodies constituted by Government carrying executive, financial or judicial powers.

2. The Committee were informed that the disqualification of a member of Parliament from holding or accepting an office of profit

Under the Government proceeds on the basis that the independence of a member of Parliament might be in jeopardy on his accepting such an office from the executive as was evident from the under-noted observations of the Election Commission regarding Vindhya Pradesh Legislative Assembly members:—

“It would be more reasonable and desirable that we should rather concentrate upon the underlying principles and the real intention of the Constitution in incorporating this Salutory provision against the acceptance of certain offices by members of legislatures. Undoubtedly, the intention is to keep the legislatures independent of the Executive. It was felt obviously that the Executive Government of the Union, or of a State, should be discouraged from holding out blandishments to members of the Legislatures, so that the latter would be free to carry out their duties to their electorate uninfluenced by any consideration of personal loss or gain. If the Executive Government of the Union, or of a State, should be discouraged any appointments, positions or offices, however they may be described, which carry emoluments of some kind or other with them, there would be clear risk that an individual member might feel himself beholden to the Executive Government and thus lose his independence of thought, and action in his capacity as a member of the legislatures and a true representative of his constituents. That will be a very great danger to the proper development of democratic institutions and the democratic way of Government in the country, and this is the likely abuse which the Constitution seeks to prevent by the provisions which we have under consideration at present. If the membership of a Committee, council, board or whatever it is, can be made use of by a Government to put a member of a legislature under its obligation in the slightest way such membership should be regarded as an office which would come within the purview of the penal articles of the Constitution”.

(1953 E.L.R. Vol. IV, p. 422)

3. Attention of the members was also drawn to the following observations of the previous Joint Committee contained in paras 5 to 10 of their Third Report (Seventh Lok Sabha):—

“The Committee, during the course of their examination of the composition and functions of various committees,

boards etc. referred to in their first two Reports, had felt that membership of some of those bodies was not compatible with membership of Parliament for one reason or the other. For instance certain committees or boards were entrusted with executive or judicial powers. In other cases although membership did not carry any remuneration it placed its members in a position of powers or influence or in a position to distribute patronage. In respect of other bodies, membership appeared incompatible due to physical impossibility of attending in two places or due to heavy duties being attached to those offices. The Committee also felt that if members, who were associated with certain bodies as directors or otherwise sat in the House they would be in an embarrassing position vis-a-vis the Minister responsible for the particular statutory body when such a body came up for discussion in the House.

The Committee, however, had to recommend such bodies for inclusion either in Part I or Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 because the Act did not contain any part in the Schedule specifying bodies whose membership would disqualify.

The Committee accordingly recommend that the Parliament (Prevention of Disqualification) Act, 1959 should also enumerate in its Schedule bodies whose membership would disqualify a person for being chosen as or for being a member of either House of Parliament".

4. It was also brought to the notice of the members that the Joint Committee on Offices of Profits (Seventh Lok Sabha) in their Tenth Report had enunciated the following criteria for deciding the offices which should qualify or disqualify a person for being chosen as or for being a member of Parliament:—

- (i) Whether the holder draws any remuneration, like sitting fee, honorarium, salary, etc. i.e. any remuneration other than the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959;

[The principle thus is that if a member draws not more than what is required to cover the actual out of pocket



expenses which does not give him pecuniary benefit, it will not act as a disqualification.]

- (ii) Whether the body in which an office is held, exercises executive, legislative or judicial powers or confers powers of disbursement of funds, allotment of lands, issue of licences, etc., or gives powers of appointment, grant of scholarships, etc.; and
- (iii) Whether the body in which an office is held wields influence or powers by way of patronage.

If reply to any of the above criteria is in affirmative then the offices in question will entail disqualification.

5. Two points of view emerged during the discussion that ensued. One was that for proper and speedy implementation of the socio-economic developmental programmes of Government, it was essential to associate members of Parliament with the working of various public bodies, agencies, governmental Committees etc. It was emphasized that M.Ps, being representatives of the people, could play a very useful and constructive role in this respect. A liberal approach should therefore be taken while recommending what offices would disqualify for membership of Parliament. If necessary, the Parliament (Prevention of Disqualification) Act, 1959 might be suitably amended.

6. The other view was that the existing criteria laid down by the Committee in its earlier reports still held good and should continue to be followed. Offices held in public undertakings and other bodies constituted by Government carrying executive, financial or judicial powers should, therefore, disqualify. The criteria and guidelines in this regard should be applied uniformly. Government should therefore ensure that MLAs were not allowed to be associated with Committees/Bodies where M.Ps were debarred.

7. The Committee agreed that the subject needed in depth study and all Members should be given an opportunity to express their views in the matter. It was decided that the following documents might be circulated to Members to enable the Committee to come to some definite conclusions:--

- (i) The Parliament (Prevention of Disqualification) Act, 1959 including Schedule-Part I and Part II.
- (ii) Ninth Report of the Joint Committee on Offices of Profit (Seventh Lok Sabha) on Evolving Uniform Principles in

regard to disqualification for holding office of profit under articles 102(1) and 191(1) of the Constitution.

[This Report included background note and concept on office of profit and Analysis of all State Acts on Prevention of Disqualification as well as position regarding "office of profit" obtaining in the Commonwealth Countries, USA and France]

(iii) Tenth Report of the Joint Committee on Offices of Profit (Seventh Lok Sabha) on the Draft Parliament (Prevention of Disqualification) Amendment Bill, 1983.

(iv) Report of the Committee on Offices of Profit (Part I)—popularly known as Bhargava Committee Report.

8. It was decided that the subject might be brought before the Committee again for detailed discussion after sometime. In the meanwhile Members, should give their suggestions in writing so that the same could be circulated to all Members to facilitate discussion.

*The Committee then adjourned.*

**XXXIII**

**THIRTY-THIRD SITTING**

The Committee met on Tuesday, the 30th June, 1987 from 15.00 to 16.00 hours.

**PRESENT**

**Kumari Kamla Kumari—*Chairman***

**MEMBERS**

***Lok Sabha***

2. Shri Ajoy Biswas
3. Shri Ajitsinh Dabhi
4. Shri Sharad Dighe
5. Shri Mahendra Singh
6. Shri Sriballav Panigrahi
7. Shri P. M. Sayeed
8. Shri S. B. Sidnal
9. Shri Balram Singh Yadav

***Rajya Sabha***

10. Shri Sohan Lal Dhusiya
11. Shrimati Sudha Vijay Joshi
12. Shri K. Gopalan
13. Shri Puttapaga Radhakrishna
14. Dr. H. P. Sharma

**SECRETARIAT**

1. Shri G. S. Bhasin—*Chief Legislative Committee Officer*
2. Shri R. S. Mani—*Senior Legislative Committee Officer*

2. The Committee took up for consideration Memoranda Nos. 136 to 140 relating to the following Committees/Corporation etc. constituted by the Central Government and the State Government of Rajasthan.

*Rajasthan State Haj Committee—Proposal to nominate Mohd. Ayub Khan, M.P. as a member thereof (Memorandum No. 136)*

3. The Committee examined the proposal of Rajasthan Government to nominate Mohd. Ayub Khan, M.P. as a member of the Rajasthan State Haj Committee. While scrutinising the particulars, the Committee desired that further information on the following points in respect of the Rajasthan State Haj Committee might be called for from the State Government for their consideration:—

- “(i) What are the facilities provided to Haj pilgrims? (Please give details).
- (ii) Detailed functions of the Haj Committee in regard to execution and proper utilisation of the fund.
- (iii) Whether the State Haj Committee gives cash relief to the pilgrims and if so, the quantum thereof?
- (iv) Whether any guidelines have been issued by the State Government for the members of the Haj Committee for ensuring effective applicability and uniform approach to all the pilgrims; and
- (v) Whether the State Government have the discretionary powers to approve or reject the recommendations of the Haj Committee or whether their recommendations are binding on the government.”

*Media Advisory Committee (Ministry of Information and Broadcasting) (Memorandum No. 137)*

4. The Committee noted that the non-official members of the Media Advisory Committee were paid a consolidated allowance of Rs. 75/- per day when meetings were held outside the Station and Rs. 50/- when meetings were held locally which was covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. Moreover the functions of the Committee were to advise the Government on measures to be taken to associate the people more directly in the planning and initiation of innovative programmes in the different media organs and determining priorities in different areas of media development and providing adequate infrastructural support and strengthening the capacity of the media to reach out to all sections of the people so as to enrich their cultural identity and promote national integration. As such the functions of the Committee were

purely advisory in nature. Hence the Committee felt that the non-official members of the above Committee should be exempted from disqualification for being chosen as, or for being a member of Parliament.

(1) *Newsprint Advisory Committee.*

(2) *Newsprint Price Fixation Advisory Committee. (Ministry of Information and Broadcasting) (Memorandum No. 138).*

5. The Committee noted that the non-official members of the Newsprint Advisory Committee and Price Fixation Advisory Committee were paid TA & DA at the rate of Rs. 75/- per day 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 two Committees were to advise the Government on the question of policy regarding the import and allocation of newsprint and printing machinery and in the matter of fixation of price of imported newsprint. As such the functions were purely advisory in nature. Hence the Committee felt that the non-official members of the aforesaid Committee should be exempted from disqualification for being chosen, as, or for being a member of Parliament.

*Board of Directors of National Film Development Corporation Ltd. (Ministry of Information and Broadcasting) (Memorandum No. 139)*

6. The Committee noted that the non-official Directors of the National Film Development Corporation were paid DA @ Rs. 150/- per sitting which was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Board of Directors of NFDC, having a share capital of Rs. 6 crore, being to manage the business of the Corporation, were executive and financial in nature. Hence the Committee recommended that the non-official Directors of the above Corporation should not be exempted from disqualification for being chosen as or for being a member of Parliament.

*Indian National Man and Biosphere Committee (Department of Environment) (Memorandum No. 140)*

7. The Committee noted that the non-official members of the Indian National Man and Biosphere Committee of the Department

of Environment were paid TA and DA at the maximum rate of Rs. 75/- 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 Committee were to direct and supervise the Man and the Biosphere programme initiated by the UNESCO and the functions were thus advisory in nature. As such the Committee recommended that the non-official members including the Chairman of the above Committee *should be exempted* from disqualification for being chosen as or for being a member of Parliament.

8. The Committee then placed on record their appreciation of the services rendered to the Committee by Shri R. S. Mani, Senior Legislative Committee Officer who would be retiring on 30th June, 1987 on attaining the age of superannuation and wished him a happy retired long life.

9. At the end, the Committee discussed their future programme of work and decided to meet again at 15.00 hours on Tuesday, the 14th July, 1987 and at 10.30 hours on Wednesday, the 15th July, 1987 respectively.

*The Committee then adjourned.*

**XXXIV**

**THIRTY-FOURTH SITTING**

The Committee met on Tuesday, the 14th July, 1987 from 15.00 to 16.00 hours.

**PRESENT**

**Kumari Kamla Kumari—Chairman**

**MEMBERS**

*Lok Sabha*

2. Shri Ajoy Biswas
3. Shri Ajitsinh Dabhi
4. Shri Sharad Dighe
5. Shri Appayya Dora Hanumantu
6. Shri Mahendra Singh
7. Shri Sriballav Panigrahi
8. Shri P. M. Sayeed
9. Shri S. B. Sidnal
10. Shri Balram Singh Yadav

*Rajya Sabha*

11. Shri Sohan Lal Dhusiya
12. Shrimati Sudha Vijay Joshi
13. Shri K. Gopalan
14. Dr. H. P. Sharma

**SECRETARIAT**

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri S. P. Gaind—*Senior Legislative Committee Officer*

2. The Committee took up for consideration Memoranda Nos. 141 to 148 relating to the following Boards/Corporations etc. constituted by the State Governments.

**Kerala State Pollution Control Board (Kerala) (Memorandum No. 141)**

3. The Committee noted that the non-official members of the Kerala State Pollution Control Board were paid actual T.A. and sitting fee of Rs. 30/- per sitting of the Committee. The functions of the Board were purely advisory in nature in so far as the Board was required 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.

The Committee were informed that in para 10.5 of their Tenth Report (Seventh Lok Sabha), the Joint Committee on Offices of Profit had taken the view that an office to which any sitting fee, honourarium or salary was attached was to be treated as remuneration other than the compensatory allowance and such offices ought not to be exempt from disqualification.

The Committee discussed at some length the above matter regarding payment made to the non-official members of the Board being termed as 'sitting fee' whereas in essence there was hardly any difference between the sitting fee and the daily allowance as mentioned in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committee noted that while a member of Parliament was entitled to a daily allowance of Rs. 75/-, the sitting fee in the instant case was only Rs. 30/- per day which was hardly adequate to meet the daily expenses and yet the holder of such an office would incur disqualification from being a member of Parliament.

The Committee, therefore, desired that the State Government might be requested to clarify whether the 'sitting fee' in the instant case meant only daily allowance and if so whether they would amend the rules to change the nomenclature of 'sitting fee' to 'daily allowance'. The Committee decided to reconsider the matter further on receipt of information from the State Government.

**The Kerala Livestock Development and Milk Marketing Board  
(Memorandum No. 142)**

The Committee noted that the non-official members of the Kerala Livestock Development and Milk Marketing Board were paid sitting fee of Rs. 100/- per sitting besides actual TA and DA @ Rs. 30/- per day. In addition, Chairman was paid a monthly remuneration



of Rs. 750 p.m. The payment of sitting fee and monthly remuneration were not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Board were to promote and develop animal husbandry for increase in production of milk, meat and eggs and development of village grasslands besides granting loans and financial assistance to individuals, units and agencies carrying on business of dairy farming. As such the Board exercised both executive and financial powers. Hence the Committee felt that the non-official members (including chairman) of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Kerala State Financial Enterprises Ltd. (Memorandum No. 143)*

The Committee noted that the non-official Directors of the Kerala State Financial Enterprises Ltd. were paid a sitting fee of Rs. 50/- per sitting. Chairman and Vice-Chairman were paid an honorarium of Rs. 750/- and Rs. 450/- p.m. Chairman in addition was entitled to certain perks. The payment of sitting fee and honorarium were not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Company were to organise, conduct, manage and carry on the business of general insurance and business of dealers, agents and traders under hire-purchase system of articles, vehicles, machinery, and tools of all capital goods and consumer goods. The functions were thus executive and financial in nature. Hence the Committee felt that the non-official Directors of the Kerala State Enterprises Ltd. *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Kerala State Beverages (Manufacturing and Marketing) Corporation Ltd. (Memorandum No. 144)*

The Committee noted that the non-official Chairman and Managing Director of the Kerala State Beverages (Manufacturing and Marketing) Corporation Ltd. were paid a monthly salary of Rs. 4492/- and Rs. 2698.30 respectively which was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The Committee were informed that the Corporation had been set up for the establishment, promotion and trading in the business of liquor and other alcoholic beverages in the State. As such the Corporation exer-

cised both executive and financial powers. Hence the Committee were of the view that the non-official Directors of the Corporation should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Manipur Plantation Crops Corporation Limited (Manipur) (Memorandum No. 145)*

The Committee noted that the non-official Directors of the Manipur Plantation Crops Corporation Limited were paid sitting fee of Rs. 100/- per meeting which was not covered by the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Corporation were to carry on the business of plantation, manufacture and sale of plantation crops and to manage the affairs of Corporation. The Corporation thus exercised both executive and financial powers. Hence the Committee felt that the non-official Directors of the Corporation should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

*The Manipur Development Society (Manipur) (Memorandum No. 146)*

The Committee noted that the non-official members of the Manipur Development Society were paid Rs. 100/- per day for attending a meeting and TA & DA as entitled to class I Officer of the State Government while on field duty. The payment of Rs. 100/- per day was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Society were to bring about employment oriented development in the State including procuring of loans and advances from the Central Government. As such, the Society exercised both executive and financial powers. Hence the Committee felt that the non-official members should not be exempted from disqualification for being chosen as, or for being a member of Parliament.

*Board of Directors of the Meghalaya Apex Handloom Weavers and Handicrafts Cooperative Federation Ltd. (Meghalaya) (Memorandum No. 147)*

The Committee noted that the non-official Directors of the Apex Handloom Weavers and Handicrafts Cooperative Federation Ltd. were paid a sitting fee of Rs. 50/- per sitting which was not covered by the 'compensatory allowance' as defined in section 2(a) of the

Parliament (Prevention of Disqualification) Act, 1959. The functions of the Board of Directors being to manage the affairs of the federation including appointment of salaried staff and to prepare budget estimates were both executive and financial in nature. Hence, the Committee felt that the non-official Directors of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Advisory Board of the Shillong Consumer Cooperative Wholesale Store Ltd. Shillong (Meghalaya) (Memorandum No. 148)*

The Committee noted that the non-official members of the Shillong Consumer Cooperative Wholesale Store Ltd. Shillong were paid a sitting fee of Rs. 45/- per sitting which was not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of disqualification) Act, 1959. Moreover the functions of the Board were to manage the affairs of the Stores and to raise funds and to sanction investment of the funds of the stores. As such the Board exercised both executive and financial powers. Hence the Committee recommended that the non-official members of the Board *should not be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Committee then adjourned to meet again at 10.30 hours on Wednesday, the 15th July, 1987.*

## XXXV

### THIRTY-FIFTH SITTING

The Committee met on Wednesday, the 15th July, 1987 from 10.30 to 11.00 hours.

#### PRESENT

*Kumari Kamla Kumari—Chairperson*

#### MEMBERS

##### *Lok Sabha*

2. Shri Ajoy Biswas
3. Shri Sharad Dighe
4. Shri Appayya Dora Hanumantu
5. Shri Mahendra Singh
6. Shri Sriballav Panigrahi
7. Shri P. M. Sayeed
8. Shri S. B. Sidnal
9. Shri Balram Singh Yadav

##### *Rajya Sabha*

10. Shri Sohan Lal Dhusiya
11. Shrimati Sudha Vijay Joshi
12. Shri K. Gopalan
13. Dr. H. P. Sharma

#### SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
3. Shri S. P. Gaiind—*Senior Legislative Committee Officer.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*

2. The Committee took up for consideration Memoranda Nos. 149 and 150 relating to the following Committee/Board etc. constituted by the Central Government.

● *Advisory Committee for the Regional Engineering Colleges (Ministry of Human Resource Development—Department of Education) (Memorandum No. 149)*

3. The Committee noted that the non-official members of the Advisory Committee on Regional Engineering Colleges were paid TA and DA @ Rs. 75/- (maximum) 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 to advise on all matters relating to the duration of the courses, admission standards etc. of all Regional Engineering Colleges and also in the matter of their administration, were advisory in nature. Hence the Committee felt that the non-official members of the said Advisory Committee *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

(ii) *All India Board of Post-Graduate Studies and Research in Engineering and Technology (Ministry of Human Resource Development—Department of Education)—Memorandum No. 150)*

4. The Committee noted that the non-official members of the Board of Post Graduate Studies and Research in Engineering and Technology were paid TA and DA @ Rs. 75/- (maximum) which were covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The functions of the Board being to coordinate the development of Post-Graduate education and research in engineering and technology in the country and to advise in that regard to all India Council for Technical Education were advisory in nature. Hence the Committee felt that the non-official members including the Chairman of the said Board *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*The Committee then adjourned*

## XXXVII

### THIRTY-SEVENTH SITTING

The Committee met on Friday, the 28th August, 1987 from 15.00 to 16.00 hours.

#### PRESENT

Kumari Kamla Kumari—*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Ajitsinh Dabhi
3. Shri Sharad Dighe
4. Shri Mahendra Singh
5. Shri Sriballav Panigrahi
6. Shri P. M. Sayeed
7. Shri S. B. Sidnal
8. Shri Balram Singh Yadav

##### *Rajya Sabha*

9. Shri Sohan Lal Dhusiya
10. Shri Puttapaga Radhakrishna

#### SECRETARIAT

1. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
2. Shri S. P. Gaind—*Senior Legislative Committee Officer.*

The Committee took up for consideration Memoranda Nos. 151 to 153 relating to the following Corporation/Authority etc. constituted by the State Governments.

*Whether holding of the post of Lecturer to the Co-operative Evening College, Begusarai, Bihar constitutes an office of profit under Government—query from Prof. (Smt.) Chandra Bhanu Devi, M.P. (Memorandum No. 151).*

The Committee considered the memorandum containing request of Prof. (Smt.) Chandra Bhanu Devi, M.P. as to whether holding of

the post of lecturer in the Co-operative Evening College, Begusarai, Bihar constituted an office of profit under Government. After some discussion, the consideration of the memorandum was postponed as some members of the Committee wanted time to study the matter in detail.

*Chambal Irrigated Area Development Authority (Rajasthan)—  
Proposal to nominate Prof. Nirmala Kumari Shaktawat and  
Shri Shanti Kumar Dhariwal, M.Ps. as members thereof  
(Memorandum No. 152)*

2. At their sitting held on 12th September, 1986, the Joint Committee on Offices of Profit (Eighth Lok Sabha) while examining the proposal of the Government of Rajasthan to nominate Prof. Nirmala Kumari Shaktawat and Shri Shanti Kumar Dhariwal, M.Ps. as non-official members of the Chambal Irrigated Area Development Authority had desired that further information on certain points in respect of the Chambal Irrigated Area Development Authority might be called for from the State Government of Rajasthan for their consideration.

The Committee were informed that the Government of Rajasthan in their reply dated the 14th April, 1987 had stated as follows:—

- “1. No TA & DA is being given to the non-official members of the Chambal Command Area Development Authority.
2. No separate guidelines have been issued.
3. The State Government has the discretionary powers to approve or reject the recommendations of the Chambal Area Development Authority.”

The Committee felt that, in view of the position explained by the State Government of Rajasthan, the non-official members (including M.Ps., if nominated) of the Chambal Irrigated Area Development Authority who were not paid any TA & DA and the functions being Advisory in nature, *should be exempted* from disqualification for being chosen as, or for being a member of Parliament.

*Uttar Pradesh Waqf Vikas Nigam Limited (U.P.)—Proposal to nominate Shri K. J. Abbasi, M.P. as Director|Chairman thereof*

3. The Committee noted that the non-official Directors of the Uttar Pradesh Waqf Vikas Nigam Limited were paid sitting fee of

Rs. 100 per day besides T.A. The Chairman was paid an honorarium of Rs. 1000 p.m. besides H.R.A. @ Rs. 300 p.m. and conveyance allowance @ Rs. 300 p.m. The payment of sitting fee and honorarium were not covered by the 'compensatory allowance' as defined in section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. The main functions of the Nigam were to formulate plans, to process and to execute schemes for the development of waqfs, trusts or waqf Institution properties and to raise funds for establishment of housing colonies on waqf properties. The Committee decided that since Corporation exercised both executive and financial powers, the non-official Directors and Chairman (including the proposed nomination of Shri K. J. Abbasi, M.P. as Director|Chairman) of the U.P. Waqf Vikas Nigam Limited *should not be exempted* from disqualification for being chosen as or for being a member of Parliament.

*4. The Committee then adjourned to meet again at 15.00 hours on Monday, the 21st September, 1987.*



**FORTY-SECOND SITTING**

The Committee met on Tuesday, the 24th November, 1987 from 15.00 to 15.30 hours.

**PRESENT**

**Kumari Kamla Kumari—*Chairman***

**MEMBERS**

***Lok Sabha***

2. Shri Ajitsinh Dabhi
3. Shri Sharad Dighe
4. Shri Sriballav Panigrahi
5. Shri S. B. Sidnal
6. Shri Balram Singh Yadav

***Rajya Sabha***

7. Shri Sohan Lal Dhusiya
8. Shrimati Sudha Vijay Joshi
9. Shri K. Gopalan
10. Shri Puttapaga Radhakrishna
11. Dr. H. P. Sharma

**SECRETARIAT**

1. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
2. Shri O. P. Chopra—*Senior Legislative Committee Officer.*

The Committee took up for consideration their draft **Sixth Report** and adopted it.

2. The Committee decided that the Report might be presented to Lok Sabha on 9th December, 1987 and also laid on the Table of Rajya Sabha on the same day.

3. The Committee authorised the Chairman, and in her absence, Shri Sharad Dighe, M.P. to present the Report to Lok Sabha on their behalf.

4. The Committee also authorised Shri Sohan Lal Dhursiya, M.P. and in her absence, Dr. H. P. Sharma, M.P. to lay the Report on the Table of Rajya Sabha.

5. *The Committee then adjourned.*